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CONTENTS

Liberal Elites, Socialist Masses, and Problems of Russian Democracy	*Judith S. Kullberg* and *William Zimmerman*	323
Electoral Systems and the Number of Parties in Postcommunist States	*Robert G. Moser*	359
Village Committee Elections in China: Institutionalist Tactics for Democracy	*Tianjian Shi*	385
Mobilizing International Norms: Domestic Actors, Immigrants, and the Japanese State	*Amy Gurowitz*	413
The Contributors		ii
Abstracts		iii

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ABSTRACTS

Liberal Elites, Socialist Masses, and Problems of Russian Democracy

By JUDITH S. KULLBERG and WILLIAM ZIMMERMAN

Strong showings by antireform parties in elections in Russia and other East European nations in the early and mid-1990s raised concerns about the long-term prospects for democracy in the region. Some interpret these votes as expressions of public protest over the costs of economic reform, while others argue that they reflected public skepticism of the liberalism of reformist elites. The authors present evidence from parallel elite/mass surveys conducted in Russia in 1992–93 and 1995 of a considerable gap between elite and mass worldviews. They argue that variation in ideological orientations—both between elite and mass and within the mass public—is largely a function of the postcommunist structure of economic opportunity. Analysis of the survey data provides substantial support for the effects of economic opportunity structure on individual ideological orientation and system preference. Thus, what accounts for the Russian elite's embrace of liberalism and its nonacceptance by portions of the Russian mass public is not simply economic decline but the differential impact of restructuring on long-term material prospects. The findings suggest that students of democratic change should focus more fully on the structural factors that constrain what is politically possible.

Electoral Systems and the Number of Parties in Postcommunist States

By ROBERT G. MOSER

Scholars studying electoral systems have consistently found that single-member plurality elections tend to constrain the number of parties operating in a polity to a much greater extent than multimember proportional representation systems. This article tests this hypothesis in the postcommunist context by examining the effects of proportional representation and single-member district elections on the number of parties in five postcommunist states. It is shown that some postcommunist states, most notably Poland and Hungary, have followed the standard pattern of party consolidation over time in reaction to incentives of electoral systems, while others, most notably Russia and Ukraine, have not. The author argues that the different effects of electoral systems can be attributed to different levels of party institutionalization found in postcommunist states.

These findings have policy implications. Under conditions of extreme party underdevelopment, the electoral system that promotes the use of party labels—proportional representation—may be more effective than the plurality system in constraining the number of parties, provided a legal threshold is used. This runs counter to the conventional wisdom that plurality elections offer the greatest constraint on the number of parties.

Village Committee Elections in China

Institutionalist Tactics for Democracy

By TIANJIAN SHI

Earlier institutionalist studies in Chinese politics have shown how conservatives and local bureaucrats took advantage of institutional designs in the Leninist system of the People's Republic of China to delay and undermine the implementation of reforms. There has been less discussion of how reformers adapted their strategies to existing institutional constraints to overcome the opposition of conservatives. Using the implementation process of the Organic Law of the Village Committees, this article describes how the reformers adapted to the Chinese institutional setting to promote political reform over opposition at the elite and local levels.

As the case of the village elections shows, the reformers in China designed a strategy to promote reform incrementally. Each step along the way was arranged to appear to be a natural response to the interaction between the initial reform policy and unforeseen consequences brought about by the previous policy. In this process, reformers deliberately manipulated a crucial variable—time—to bring about gradual change in the important actor, that is, the peasants, from

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spectators into participants, and thereby to change the balance of power between proponents and opponents of the reform. Other political players were also carefully enfranchised at different stages of the implementation process to help reformers in their struggle against conservatives.

Mobilizing International Norms

Domestic Actors, Immigrants, and the Japanese State

By AMY GUROWITZ

In recent years immigrant rights have increasingly been examined in an international context. An important theme in these discussions has been the question of whether, and if so how, states are constrained in developing immigrant and immigration policies. Some scholars argue that states are constrained by international human rights standards, while others, skeptical of this position, focus on a wide range of arguments at the domestic level of analysis. The skeptics are right that those asserting the impact of international human rights standards on immigrant policy have not demonstrated their importance domestically. International norms and standards do not diffuse automatically or consistently across states, and there has been too little detailed process tracing to illustrate the mechanisms of norm diffusion and therefore to move beyond correlation. To do so requires attention to the domestic actors who mobilize international norms and to the specific domestic circumstances in which they operate. This article examines a hard case by studying the impact of international human rights standards on policies toward Koreans and more recent migrant workers in Japan. In this case international norms matter. But they do not matter in a mysterious or automatic way. Domestic actors use international norms in context-specific environments to back up and make arguments for which they have few domestic resources. This is not a story of international versus domestic politics, nor is it a story about a paralyzed state. State actors are actively involved in the process of integrating international standards domestically, and the author examines how those standards work their way into the political process.

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LIBERAL ELITES, SOCIALIST MASSES, AND PROBLEMS OF RUSSIAN DEMOCRACY

By JUDITH S. KULLBERG and WILLIAM ZIMMERMAN*

STRONG showings and outright victories by antireform and conservative parties in several elections in Russia—most notably the 1993 and 1995 Duma elections—and in other postcommunist East European countries in the early and mid-1990s raised concerns about the long-term prospects for democracy in the region. Western analyses have largely explained these election outcomes as popular reactions to short-term economic costs arising from reform of command-administrative economies[1] or as protests against radical restructuring by voters preferring a more moderate pace of reform.[2] Such interpretations are essentially optimistic in that they do not question the commitment of postcommunist publics to democracy: they suggest that with improvement in economic conditions, support for communists and nationalists will evaporate.

In contrast to the general optimism of Western assessments, much of the commentary in the East has been more pessimistic. East European analysts have been inclined to interpret the victory of antireform parties as the explicit rejection by mass publics of the liberal ideology

* Earlier drafts of this paper were presented at the 1995 meeting of the American Political Science Association and the 1996 meeting of the American Association for the Advancement of Slavic Studies. The authors thank, without implicating, Brian Silver, Erik Hoffmann, John Higley, and the three anonymous reviewers for their helpful comments. They also express their gratitude to Elena Bashkirova and her staff at ROMIR and Polina Kozyreva and her colleagues at the Institute of Sociology of the Russian Academy of Sciences for their professional administration of the surveys on which this paper relies. Zimmerman wishes to express his gratitude to the National Council for Eurasian and East European Research for funding the 1993 surveys and to the Carnegie Corporation and MacArthur Foundation for a grant that made possible the 1995–96 panel study (Timothy Colton, principal investigator).

[1] Stephen Whitefield and Geoffrey Evans, "The Russian Election of 1993: Public Opinion and the Transition Experience," *Post-Soviet Affairs* 10 (January–March 1994); and Adam Przeworski, "Economic Reform in Poland and the East European Experience," in Carlos Bresser-Pereira and Adam Przeworski, eds., *Economic Reforms in New Democracies: A Social Democratic Approach* (Cambridge: Cambridge University Press, 1994).

[2] Jerry F. Hough, "The Russian Election of 1993: Public Attitudes toward Economic Reform and Democratization," *Post-Soviet Affairs* 10 (January–March 1994).

World Politics 51 (April 1999), 323–58

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and leadership of westernizing, reformist elites.[3] Such interpretations suggest that the dissatisfaction of publics with liberalism and the emergent postcommunist political order is indeed deep, too deep to be generated merely by short-term economic decline or opposition to reform policy.

Evidence presented in this paper from parallel Russian elite and mass opinion surveys, conducted at the end of 1992/early 1993 and from late 1995 through the summer of 1996, is consistent with the contention that an elite/mass ideological divide exists in certain postcommunist societies. In the survey data we find evidence of a considerable gap between elite and mass worldviews. Whereas elites overwhelmingly opt for liberal democracy, the Russian mass public is thoroughly divided. Although Boris Yeltsin triumphed in the 1996 presidential election—an election that was a referendum about both Russia's past and its future—it is nevertheless clear that a substantial segment of the Russian electorate has not accepted the westernizing liberalism of those who led the democratic revolution and has instead opted for socialism or authoritarian nationalism and the corresponding "red" or "brown" political parties.[4]

What accounts for the ideological gap between elites and the mass public? We argue that ideological variation—both between elites and the masses and within the mass public—is largely the result of differences across groups and individuals in the postcommunist structure of economic opportunity. Support for liberalism is causally related to the ability of individuals to participate in the new economic order: those who are "locked out" of the new economy and are constrained by circumstances and context from improving their conditions will be more likely to express antiliberal values and attitudes. Thus, what largely accounts for the elite's embrace of liberalism and, conversely, its nonacceptance by a considerable proportion of the Russian mass public is not

[3] See Pawel Spiewak, "Kto rzadzi w Polsce?" in Moroslawa Grabowska and Antoi Sulek, eds., *Polska 1989–92: fragmenty pejzazu* (Warsaw: IFIS PAN, 1993); Jerzy Szacki, *Liberalism after Communism* (Budapest: Central European University Press, 1995); Adam Michnik et al., "The Return of the Left in Central Europe?" *Constellations* 2 (April 1995); and Václav Havel (address to a joint session of the Czech Parliament, Prague, December 9, 1997.

[4] Any interpretation of the 1996 presidential election must acknowledge the effect of the electoral rules and the uneven playing field on the outcome. Electoral support for Yeltsin was intensified by the use of a two-round system that forced voters to choose in a second round between the two candidates with the strongest showing in the first round. Thus, in the first round in June, Yeltsin received only 35.3 percent of the vote versus 32 percent for the leader of the Communist Party of the Russian Federation, Gennadi Ziuganov, but received 53.8 percent of the vote to Ziuganov's 40.3 percent in the second round in July. Yeltsin's success in drawing votes from those who had cast ballots for other candidates in the first round was facilitated by a pro-Yeltsin, anticommunist media blitz in late June and early July.

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simply economic decline, but the differential impact of economic restructuring on opportunities and, therefore, long-term material prospects of groups and individuals.

While a small segment of the Russian population has benefited dramatically from the collapse of the socialist economy, the economic position of a majority of the Russian population has been harmed. Within that majority, many have suffered extensively. The entry of Russia into the global economy resulted in the virtual collapse of entire industrial sectors. Individuals attached to these sectors, either directly through employment or indirectly through residence in regions where the sectors are concentrated, have experienced chronic unemployment or underemployment. Furthermore, millions are unable to acquire new skills or relocate, trapped by extremely low income and dependent upon sporadic distributions of back pay or "payments in kind" by employers or regional governments. Thus, poorly positioned to participate in the new market economy, many Russian citizens are unable to benefit from the emerging economic order. Even though aggregate economic growth may produce a general increase in support for democracy,[5] major subgroups of the population are likely to remain alienated from the democratic order as a result of the asymmetrical structure of economic opportunity. This alienation, in our view, will pose a long-term challenge to the postcommunist order and the legitimacy of Russian democracy.

Our argument concerning the determinants of popular support for democracy draws from democratic thought as well as from theories of political development and democratization. We examine the arguments concerning the relationship between the market economy and democracy in these literatures as prolegomena to the presentation of the concept of economic opportunity structure and the explication of its relationship to democratic ideology and legitimacy. We then pose a series of hypotheses regarding the ideological positions of elites and masses, as well as of various segments of the mass public, during the simultaneous transition to the market and democracy. We test these hypotheses with survey data and assess the effects of economic opportunity structure on the distribution of orientations to the political economy in Russia. We conclude by considering the implications of our findings for the long-term trajectory of political change in Russia as well as for comparative theories of democratic legitimacy and consolidation.

[5] Timothy J. Colton, "Economics and Voting in Russia," *Post-Soviet Affairs* 12 (October–December 1996).

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The Market and Democracy

> The tie between market and democracy is on many counts an astonishing historical fact. We understand neither market nor democracy well if we cannot explain it.
>
> —*Charles Lindblom*[6]

Since the eighteenth century philosophers and scholars have agreed that capitalism constitutes the economic and social-structural foundation of parliamentary democracy. This agreement has been supported by the actual pattern of democratic development around the globe. Prior to the collapse of communism, representative democracy had emerged and persisted only in capitalist societies. The market thus appeared to be a necessary, although far from sufficient, condition for democracy.

With a keen awareness of this historical correlation, leaders of most postcommunist nations have committed themselves to both market and democracy. Indeed, many have assumed that dual economic and political transformation is the only viable path toward the "civilized world." However, simultaneous pursuit of both market and democracy from the starting point of state socialism—the antithesis of the liberal capitalist order—constitutes a unique, and therefore uncertain, historical trajectory.[7] Although it is now clear that such a dual revolution is at least possible, its success in all cases is far from certain.

Many scholars have identified the economic decline that accompanies economic restructuring as the essential dilemma of the dual transition, arguing that if the well-being of the majority of a population is substantially harmed by reforms, popular support for democracy will erode.[8] According to this view, the danger of such harm is particularly great in postsocialist societies. Given the relatively low standard of living and high degree of income equality in these countries, sharp economic downturn has the potential effect of throwing the majority of the population into poverty.[9] The high and broadly borne cost of re-

[6] Charles Lindblom, *Politics and Markets: The World's Political-Economic Systems* (New York: Basic Books, 1977).

[7] Claus Offe, Emanuel Richter, and Pierre Adler, "Capitalism by Democratic Design? Democratic Theory Facing the Triple Transition in East Central Europe," *Social Research* 58, no. 4 (1991); and Joan M. Nelson, ed., *Intricate Links: Democratization and Market Reforms in Latin America and Eastern Europe* (New Brunswick, N.J.: Transaction, 1994).

[8] Adam Przeworski, *Democracy and the Market* (New York: Cambridge University Press, 1991); Joan Nelson, "Linkages between Politics and Economics," in Larry Diamond and Marc F. Plattner, eds., *Economic Reform and Democracy* (Baltimore: Johns Hopkins University Press, 1995); and Charles Gati, "If Not Democracy, What? Leaders, Laggards and Losers in the Postcommunist World," in Michael Mandelbaum, ed., *Postcommunism: Four Perspectives* (New York: Council on Foreign Relations, 1996).

[9] Przeworski (fn. 8), 177–78.

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form will subsequently erode support for the regime. Although some have argued that the masses may weight the costs of economic reform against the benefits of social and political freedom[10] or hope for long-term economic improvement,[11] others emphasize the real limits of mass patience with poor economic performance.[12]

In emphasizing the effect of changes in income on support for democracy during the transition period, the "costs of reform" argument obscures the character of the connection between the market economy and democracy. A market economy is not designed to produce an equitable and fair distribution of income; rather, it is a system of competitive exchange that takes place within a framework of rights, foremost among them property rights.[13] Under capitalism, the economic position of groups and individuals is a function of their possession of economic rights, their actual opportunity to participate in the market, and the value of resources and goods they are able to bring with them to market competition.[14] Keenly aware that their economic well-being depends on these conditions, individuals do not evaluate governmental performance purely on the basis of their short- and their long-term gains and losses in income, but rather through assessments of both their short- and their long-term economic opportunity. In sum, it is not simply the aggregate economic performance of a market economy that produces support for democratic institutions, but citizens' possession of economic rights and genuine economic opportunity.

The argument that democratic legitimacy is rooted in economic opportunity is supported by historical studies of the origins of democracy. Although there is disagreement as to the precise paths that led to representative democracy, most scholars concur that democracy was created out of the struggle of classes to maximize their economic rights

[10] James L. Gibson and Raymond M. Duch, "Emerging Democratic Values in Soviet Political Culture," in Arthur H. Miller, William M. Reisinger, and Vicki L. Hesli, eds., *Public Opinion and Regime Change: The New Politics of Post-Soviet Societies* (Boulder, Colo.: Westview Press, 1993).

[11] Stephan Haggard and Steven B. Webb, "What Do We Know about the Political Economy of Reform," *World Bank Observer* 8 (1993); Susan C. Stokes, "Public Opinion and Market Reforms: The Limits of Economic Voting," *Comparative Political Studies* 29 (October 1996).

[12] Peter McDonough, "Identities, Ideologies, and Interests: Democratization and the Culture of Mass Politics in Spain and Eastern Europe," *Journal of Politics* 57 (August 1995); Przeworski (fn. 2).

[13] Douglass C. North, *Structure and Change in Economic History* (New York: W. W. Norton, 1981), 191.

[14] Our concept of economic position is inspired by Weber, who saw an individual's "chance in the market" or "market situation" as the "decisive moment" shaping his or her "fate." Weber argued that the key determinant of the market situation of individuals or groups is possession of property, because property provides power in the market. The market situation of individuals and groups lacking property depends upon the value of their labor and how much control they are able to exercise over the disposition of the products of their labor. See Max Weber, *Economy and Society* (1914; Berkeley: University of California Press, 1968), 927–28.

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and opportunities. Industrial capitalism transformed traditional European societies by creating new social classes and groups with well-defined economic interests and identities. At different stages of industrial development, these new groups—capitalist bourgeoisie, the middle class, and the organized industrial proletariat—provided the impetus for democratization.[15] Occupying essential roles in the capitalist economic order, the new classes used their clout and resources, first to acquire guarantees of property rights and then to gain electoral rights that facilitated the representation of their economic interests in the legislative process. By extending economic rights and guarantees to the masses, liberal states defused discontent with capitalism and secured popular acceptance for the principles and institutions of democracy.

In short, the classical liberal argument that democracy is a grand bargain between the state and societal actors pursuing economic interests has been largely confirmed by historical example. However, the legitimacy of democratic orders is not cemented through the explicit contract imagined by Locke, Rousseau, and Jefferson. Rather, it is signified through consensual acceptance of the ideology of democracy, liberalism. The core tenet of liberalism is the right of individuals to life and property. To preserve life and well-being, they must also be free to engage in economic activity and exchange. Since rights are guarantees of the basic rules and procedures of social interaction but not of outcomes,[16] widespread acceptance of liberalism mitigates and even eliminates conflicts among individuals and groups over the distribution of resources and instead fosters acceptance of the socioeconomic inequality that is inevitably produced through market competition.[17] Liberalism is thus instrumental in creating the belief that the political-economic order is just.

Although states and societies possess a variety of methods for the inculcation of beliefs, popular acceptance of any ideology ultimately depends on congruence between the ideology and the actual experiences

[15] For various perspectives on the contribution of specific social strata or classes to the development of representative democracy, see Seymour Martin Lipset, "Some Social Requisites of Democracy," *American Political Science Review* 53 (March 1959); Gabriel Almond and Sidney Verba, *The Civic Culture* (Princeton: Princeton University Press, 1963); Barrington Moore, *Social Origins of Dictatorship and Democracy* (Boston: Beacon Press, 1966); Samuel Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968). On the role of the working class in democratic development, see Dietrich Rueschemeyer, Evelyne Huber Stephens, and John D. Stephens, *Capitalist Development and Democracy* (Cambridge: Polity Press, 1992); and Charles Tilly, *Popular Contention in Great Britain, 1758–1834* (Cambridge: Harvard University Press, 1995).

[16] Robert Dahl, *Pluralist Democracy in the United States* (Chicago: Rand McNally, 1967).

[17] Judith N. Shklar, *Political Theory and Ideology* (New York: Macmillan, 1966); and Giovanni Sartori, "Politics, Ideology, and Belief Systems," *American Political Science Review* 63 (June 1969).

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of individuals and groups.[18] If the events of daily life over a period of time validate the ideology's depiction of the social order, the ideology is accepted. If, however, experience continually contradicts the tenets of fairness and justice espoused by the ideology and regime, adherence to the ideology as well as support for the regime are undermined. Given a sufficiently large gap between the image of justice and daily life and the existence of alternative ideologies, individuals and groups may opt for one of those alternatives.[19] Insofar as the concept of justice contained in the alternative ideologies contradicts that espoused by the regime and its allies, widespread adherence to such ideologies may presage significant societal conflict. Indeed, mass defection from the regime's ideology may contribute to the collapse of the entire sociopolitical order.[20] A prime example of the consequences of widespread skepticism toward an official ideology is the collapse of communism. There can be little doubt that the contradiction between the promise of justice contained in Marxism-Leninism and the reality of daily life in communist societies contributed to the gradual erosion of support for state socialism and its rapid destruction in Eastern Europe in the late 1980s and early 1990s.[21]

There is a similar tension between the experience of daily life and regime ideology in contemporary Russia. For many citizens, the structure of economic opportunity is highly constrained. Skilled and unskilled workers are still painfully attached to firms that have lost their domestic customers and are as yet unable to compete successfully in global markets. Mid- to lower-level bureaucrats, as well as academics, doctors, teachers, and military personnel, are all employed in state institutions that have experienced dramatic reductions in funding from the central and local governments since 1991. Many also face limited

[18] North (fn. 13), 48–54; Antonio Gramsci, *Prison Notebooks* (New York: International Publishers, 1971); Karl Marx, *The German Ideology* (New York: International Publishers, 1986).

[19] Disadvantaged and aggrieved individuals may also use an ideology's tenets of justice to stimulate and justify collective action to correct perceived inequity. See David Apter, ed., *Ideology and Discontent* (Glencoe, Ill.: Free Press, 1964), chap. 1; and Sidney Tarrow, *Power in Movement* (Cambridge: Cambridge University Press, 1994), 22–23.

[20] This is so, particularly insofar as the regime's ideology justifies authority relations and sustains its legitimacy. For a theoretical examination of the relationship between regime and societal patterns of authority and the importance of congruence between them, see Harry Eckstein, *Regarding Politics: Essays on Political Theory, Stability and Change* (Berkeley: University of California Press, 1992); and idem, "Congruence Theory Explained," in Harry Eckstein et al., eds., *Can Democracy Take Root in Post-Soviet Russia?* (Lanham, Md.: Rowman and Littlefield Publishers, 1998).

[21] Václav Havel et al., *The Power of the Powerless* (Armonk, N.Y.: M. E. Sharpe, 1985). The validity of Havel's incisive and eloquent examination of the causes and consequences of socialist dualism is confirmed by the thousands of autobiographical and firsthand accounts of life under communism, which almost invariably contain some discussion of the ways in which everyday life, experience, and perception were affected by the discordance between socialist ideology and socialist reality.

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prospects for finding private sector employment in the areas in which they were educated and trained. For such individuals, movement into the private sector involves the abandonment of careers and, often, a significant drop in social status. In an even weaker position are pensioners and older workers, who are unlikely to have time and energy to start businesses or acquire new skills that will enhance their marketability, and women, who have experienced an increase in employment discrimination since the collapse of socialism.[22]

Rooted in the political and economic inequality of the Soviet period, the weak position of the mass public has continued into the postcommunist present. In the first stages of economic reform in the late 1980s, most Soviet citizens lacked significant resources or access to resources to invest in new businesses and were therefore poorly positioned to take advantage of emerging markets. What savings they had were wiped out when prices were freed in early 1992 under the Gaidar "shock therapy" program. The resulting near hyperinflation quickly eliminated the "ruble overhang" of forced savings accumulated by the mass public from years of chronic undersupply of consumer goods. The high rates of inflation also resulted in a sharp reduction in real income and the impoverishment of almost half of the population.[23] It is now also clear that the voucher privatization program, which was touted as a massive redistribution of state property, resulted in a relatively small transfer of property to the mass public.[24]

In contrast to the poor market situation and constrained opportunities of the mass public in the late Soviet period, managerial and political elites were well positioned in Russia for tremendous economic gain in the movement to the market. Indeed, they benefited substantially, even spectacularly, from the transition to liberal democracy.[25] The advantage has been most pronounced for political elites, who used their

[22] See G. V. Osipov, V. K. Levashov, and V. V. Lokosov, *Rossiia u kriticheskoi cherty: vozrozhdenie ili katastrofa* (Moscow: Respublika, 1997); Linda Racioppi and Katherine O'Sullivan See, "Organizing Women before and after the Fall," *Signs* 20 (Summer 1995); Katherine Verdery, *What Was Socialism and What Comes Next?* (Princeton: Princeton University Press, 1996), chap. 3; and Ulla Grapard, "Theoretical Issues of Gender in the Transition from Socialist Regimes," *Journal of Economic Issues* 31 (September 1997).

[23] Institut sotsial'no-politicheskikh issledovannii Rossiiskoi Akademii Nauk, *Reformirovanie Rossii: Mify i real'nost* (Moscow: Akademia, 1994), 89–208; Stefan Hedlund and Niclas Sundstrom, "The Russian Economy after Systemic Change," *Europe Asia-Studies* 48 (September 1996).

[24] See Joel S. Hellman, "Winners Take All: The Politics of Partial Reform in Postcommunist Transitions," *World Politics* 50 (January 1998).

[25] In 1986 the average wage of the top decile of income earners was 2.5 times greater than that of the bottom decile; by 1996 the average income of the top decile was twenty times greater than that of the bottom decile. Henryk Flakierski, *Income Inequalities in the Former Soviet Union and Its Republics* (Armonk, N.Y.: M.E. Sharpe, 1993), 16–17; and Nikolai Shmelyov, *Literaturnaia gazeta* (December 4, 1996), 3.

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positions in a liberalized, but far from successfully reformed institutional arrangement, to accumulate significant economic resources.[26] The problem of elite enrichment appears to have been more severe in Russia and other states of the former Soviet Union than in East Central Europe.[27] The Russian postcommunist order features virtually no oversight mechanisms and has thus provided a situation of almost unlimited economic opportunity to those in authority.

The broad opportunity structure of elites highlights the way in which the role and performance of governments in postcommunist settings differs sharply from governments where capitalism is well established, particularly in the period of the transition to democracy. Since private property is not yet institutionalized and markets are undeveloped, postcommunist democratic regimes must create them. To do so, governments operate not as referees or arbiters among a multitude of already existing business and socioeconomic interests, but as distributors of property and resources. Where unconstrained by developed legal institutions, strong political parties, or social organizations,[28] elites are able to construct reform programs that maximize economic gains for themselves and their allies. Largely because of their ability to transform their political positions and resources into capital,[29] they support privatization and marketization.

To the extent that reform policies supported by democratizing elites undermined traditional bases of mass economic security—the state economy and firms through which most material benefits were dispersed to citizens—the interests of mass publics and elites in postcommunist societies were initially discordant. Should basic property rights and access to the postcommunist economy continue to be distributed narrowly and inequitably, large segments of the mass public may develop a profound sense of grievance with the regime and the entire postcommunist order. Acutely aware not only of the costs they have paid in the transition but also of their limited prospects in the new eco-

[26] Larisa Piasheva, "Proigrannyi shans: zametki rynochnogo romantika," *Znamia* 9 (1994); Olga Kryshtanovskaia and Stephen White, "From Soviet Nomenklatura to Russian Elite," *Europe-Asia Studies* 48 (July 1996); Joseph R. Blasi, Maya Kroumova, and Douglas Kruse, *Kremlin Capitalism* (Ithaca, N.Y.: ILR/Cornell University Press, 1997); Stephen Solnick, *Stealing the State: Control and Collapse in Soviet Institutions* (Cambridge: Harvard University Press, 1998).

[27] *The Economist Intelligence Unit* (January 27, 1997).

[28] For explanations of the weaknesses of nonstate organizations, see Stephen Crowley, "Barriers to Collective Action: Steelworkers and Mutual Dependence in the Former Soviet Union," *World Politics* 46 (July 1994); and Stephen Fish, *Democracy from Scratch: Opposition and Regime in the New Russian Revolution* (Princeton: Princeton University Press, 1994).

[29] Jadwiga Staniszkis, "'Political Capitalism' in Poland," *East European Politics and Societies* 5 (Winter 1991); and idem, *The Dynamics of the Breakthrough in Eastern Europe: The Polish Experience* (Berkeley: University of California Press, 1991), 164.

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nomic order and the contrasting benefits and advantages accruing directly to elites, segments of the mass public may fail to accept liberalism or to support liberal institutions. Instead, mass publics may opt for illiberal ideologies, of either the communist or the nationalist variety.

The Nature of the Gap

Studies of public opinion in periods of transition may be used to analyze how the interests of various social groups play themselves out in the construction of democratic orders. When combined with parallel surveys of elites, public opinion studies reveal much about the structure and dynamics of postauthoritarian politics. We turn now to just such survey data to test the contention that vastly different opportunities arising from the market situations of elites and masses in some postcommunist societies may weaken public support for liberal principles and institutions and thus threaten the long-term prospects of democracy.

The data we use here to test our hypotheses come from parallel surveys of the Russian elite and mass public conducted in 1992–93 and 1995–96. (A description of the surveys is provided in the appendix.) The two elite studies and the 1993 mass survey were designed primarily to identify the distribution and underlying causal factors of perceptions of international relations and foreign policy preferences. Consequently, many measures focused specifically on international relations. However, because of the anticipated relationship between foreign policy preferences and domestic political attitudes, a number of measures of orientations to economic and political change were included in these questionnaires. The 1995–96 mass survey focused primarily on the December 1995 parliamentary election and the June–July 1996 presidential election.

We argued above that the different economic opportunity structures of elites and masses in the simultaneous political and economic transitions from socialism would produce quite distinct economic and political orientations. Furthermore, we suggested that the absence of essential concordance between elite and mass interests, generated by differences in the market situation and exacerbated by structural impediments to the representation of mass interests in the policy process, would result in adherence at the mass level to ideological alternatives to liberalism. Thus, we should find majority, even consensual, adherence to liberalism among elite respondents but lower levels of support for liberal values among masses, as well as evidence of greater attachment

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	Democracy	Authoritarianism
Market	liberal democrats	market authoritarians
State	social democrats	socialist authoritarians

FIGURE 1

to nonliberal ideological orientations. We now examine the data from the elite and mass surveys to test the validity of these assertions.

The first task was to construct a measure of ideological position that encompassed the major worldviews found in contemporary Russia and in postcommunist societies in general. Following Lindblom, we conceptualize the two central choices to be made in the construction of political-economic orders to be between democracy and authoritarianism on the one hand and between the state (plan) and the market on the other.[30] With these two fundamental dichotomies in mind, we created a two-by-two typology to distinguish between the four possible mixes of political and economic order, displayed in Figure 1.[31] We then constructed scales of political and economic liberalism from groups of measures of political and economic values. Using these scales, we were able to categorize respondents according to whether they favored the market or state control of the economy and democracy or authoritarianism. On this basis we identified respondents as liberal or market democrats, market authoritarians, social democrats, and socialist authoritarians.

The scale of orientation to the political system was composed of five measures. Taken together, these items assess the extent of respondents' acceptance of core tenets and practices of liberal democracy—political

[30] Lindblom (fn. 6).

[31] Needless to say, each cell encompasses considerable regime variation. For example, the Japanese and American political economies are quite different, but we would classify both as liberal or market democracies. Similarly, Pinochet's Chile was quite distinct from the "soft authoritarian" regimes of East Asia, but it falls along with them into the "market authoritarian" category. For an earlier use of this typology, see William Zimmerman, "Markets, Democracy and Russian Foreign Policy," *Post-Soviet Affairs* 10 (April–June 1994).

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contestation, the presumption of innocence, the rights of the individual versus society, the free exchange of ideas, and philosophical pluralism.[32] The specific items were as follows: "Competition between various political parties makes our system stronger"; "The rights of the individual should be defended even if guilty persons sometimes remain free"; "The interests of society should be protected even if innocent people sometimes end up in prison"; "In any society it will always be necessary to prohibit the public expression of dangerous ideas"; and "It is apparent that of all the existing philosophies, there is only one that is clearly correct." Scale scores were calculated for all respondents who responded to at least three of the five items.[33]

The economic-orientation scale assessed attitudes toward essential features of the market economy: economic competition, private ownership of heavy industry, income inequality, and economic risk. The following are four items used in constructing the scale: "Competition between various enterprises, organizations, and firms benefits our society"; "All heavy industry should belong to the state and not be in private hands"; "It's normal when the owner of a prosperous enterprise, using the labor of his workers, becomes richer than many other people"; and "There's no sense in beginning a new business inasmuch as it might fail." Scores were calculated for individuals who responded to at least two of the four items.

We recognize that the typology is a rather blunt instrument; its chief advantage is that it parsimoniously captures the central choices—plan versus market, democracy versus dictatorship—that have faced decision makers and mass publics in postcommunist transitions. Empirically, it correlates well with actual system preferences of respondents. Among

[32] See J. Roland Pennock, *Democratic Political Theory* (Princeton: Princeton University Press, 1979).

[33] For each statement in the 1993 elite and mass surveys and in the 1995 elite survey used to construct the economic and political system preference indicators, respondents were given four possible response categories from which to choose, ranging from "completely" and "somewhat" agree, to "somewhat" and "completely" disagree. Scores on both scales were calculated for each individual by summing response values on nonmissing items and then dividing the sum by the number of responses. The resulting scales range from −2 to 2, with positive values indicating adherence to liberalism and negative values indicating an illiberal orientation. In the 1995 mass survey, respondents had a fifth choice, between agree and disagree—"I hesitate to say" (*koleblius'*). Since examination of 1995 response patterns led to the conclusion that koleblius' is the expression of an ambivalent position and not identical to "don't know" or "refuse to answer," we coded it as 0, midway between −2 and 2. In order to make the 1993 and 1995 scales roughly comparable, we adjusted the response categories of the 1993 elite and mass survey and the 1995 elite survey, setting strongly agree and disagree positions at 2 and −2, but the somewhat disagree and somewhat agree responses at −.666 and .666. This coding scheme retained equal intervals between all responses, but weakened the somewhat agree and somewhat disagree responses to compensate for the absence of a true middle response position on these measures. This decision was made in recognition of the fact that without such middle option, truly ambivalent respondents were forced to take a position.

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the mass respondents interviewed in the third wave of the election study in July 1996, more than three-quarters (76 percent) of those categorized as liberal democrats indicated that they thought either "the present political system" or "democracy of a Western type" most suitable for Russia, as did more than two-thirds (67 percent) of those categorized as market authoritarians. Almost two-thirds (64 percent) of those identified as socialist authoritarians and 58 percent of the social democrats answered that the "Soviet system *before* perestroika" was most suitable for Russia. Those we coded as ambivalent were truly ambivalent: exactly half (49.9 percent) favored the old Soviet system and half (50.1 percent) preferred the present system or Western-style democracy.

Table 1 displays the distributions of the elite and mass samples across the categories of the typology.[34] The table demonstrates that support for market democracy, the admixture of economic and political liberalism, was far greater among elites than among mass respondents in both 1993 and 1995.[35] In both years elites were overwhelmingly committed to the market. Likewise in both surveys elite commitment to democracy is high. In contrast, the proportion of mass respondents who could be labeled as market democrats was less than half the proportion found among elites, and in 1995, less than a third. Conversely the proportion of illiberal respondents (market and socialist authoritarians) was approximately twice as great in both years. Overall a majority of the mass respondents were political liberals in 1993, falling into ei-

[34] Placement of respondents into the ideological categories was done in the following manner: those persons whose aggregate scores on the political and economic liberalism scales were above 0 were coded as liberal democrats; those whose political liberalism score was below 0 and economic liberalism score was above 0 were treated as market authoritarians; those whose political liberalism score was above 0 and whose economic liberalism score was below 0 were labeled social democrats; those whose scores on both scales were below 0 were categorized as socialist authoritarians. We categorized respondents with 0 scores on either scale as "ambivalent," and those for whom scale scores could not be calculated because of nonresponses to the scale items as "unmobilized."

[35] The gap between elite and mass orientations reported here is real. The obvious objection is that the elite sample is unrepresentative of the Moscow elite stratum as a whole and that the chasm seen between elite and mass respondents is thus more a reflection of the particular character of the sample than of any genuine distance between the elite and the mass public. There are two possible responses to this objection, one methodological, the other empirical. First, the sheer size of the elite sample allows us to make plausible inferences about the distribution of ideological orientation within the Moscow elite. Second, a study conducted in 1991 found a comparable proportion of market democrats among Moscow elites. See Judith Kullberg, "The Ideological Roots of Elite Political Conflict in Post-Soviet Russia," *Europe-Asia Studies* 46 (1994). A more recent study of elite values, with a sample drawn from the Russian government and the state Duma found a similar proportion of democrats among elites, but a larger proportion of social, rather than market, democrats. See Sharon Werning Rivera, "Communists as Democrats: Elite Political Culture in Post-Communist Russia" (Ph.D. diss., University of Michigan, 1998). The difference between Werning Rivera's findings and those presented here is a function of her sample—a larger proportion of her respondents were drawn from the communist-dominated Duma—and her use of different criteria to distinguish between market and social democrats.

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TABLE 1
ELITE AND MASS ORIENTATIONS TO THE POLITICAL ECONOMY
(% AND NUMBER)

	Distribution Including All Respondents			
	1992–93 Elite	*1995 Elite*	*Mass Sample, European Russia, 1993*	*Mass Sample Russia, 1995*
Liberal	79.5	77.8	35.6	21.9
democrats	(159)	(140)	(443)	(622)
Market	6.0	6.7	9.5	5.8
authoritarians	(12)	(12)	(118)	(164)
Social	5.5	8.3	20	16.6
democrats	(11)	(15)	(248)	(473)
Socialist	4.5	3.9	14.6	13.7
authoritarians	(9)	(7)	(182)	(388)
Ambivalent	1.5	2.8	4.5	27.5
	(3)	(5)	(56)	(778)
Unmobilized	3.0	.6	15.8	14.6
	(6)	(1)	(196)	(416)
Total	200	180	1,243	2,841

	Distribution Excluding "Ambivalent" and "Unmobilized" Respondents			
	1992–93 Elite	*1995 Elite*	*Mass Sample, European Russia, 1993*	*Mass Sample Russia, 1995*
Liberal	83.2	80.5	44.7	34.8
democrats	(159)	(140)	(443)	(622)
Market	6.3	6.9	11.9	10.0
authoritarians	(12)	(12)	(118)	(164)
Social	5.8	8.6	25.0	28.7
democrats	(11)	(15)	(248)	(473)
Socialist	4.7	4.0	18.4	23.6
authoritarians	(9)	(7)	(182)	(388)
Total	191	174	991	1,647

ther the market or social democrat category, and in 1995 a majority of those who had committed positions continued to favor political liberalism. Fewer than half overall were economic liberals (market democrats or market authoritarians) either in 1993 or 1995, and fewer than half of those with committed positions were market liberals in 1995.[36] Among

[36] On similar findings from Polish, Hungarian, Bulgarian, and Romanian surveys, see Mary E. McIntosh et al., "Publics Meet Market Democracy in Central and East Europe, 1991–1993," *Slavic Review* 53 (Summer 1994).

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TABLE 2
LEVELS OF SUPPORT FOR ECONOMIC LIBERALISM: MASS VS. ELITE

	No Market Majority (<50%)	*Majority (50–59%)*	*Consensus (60–79%)*	*Virtual Unanimity (80% or >)*
Overall market orientation				
1993		mass		elite
1995	mass			elite
New business?				
1993		mass		elite
1995		mass	elite	
Richer ok?				
1993		mass		elite
1995	mass		elite	
State ownership of heavy industry?				
1993	mass, elite			
1995	mass, elite			
Economic competition?				
1993				mass, elite
1995				mass, elite

those with committed positions in 1995, political liberals (market democrats and social democrats) constituted a majority, and economic liberals (market democrats and market authoritarians) represented less than a majority among both those with identifiable positions and overall. In 1993, as in 1995, liberal democrats outnumbered socialist authoritarians overall, but the ratio of those identified as liberal democrats and socialist authoritarians shifted between 1993 and 1995 in favor of the latter. Thus, support for political liberalism was considerably greater than support for the market in both 1993 and 1995, but levels of support for economic liberalism and probably for political liberalism appear to have diminished somewhat across the two-year period.

In order to explore the extent and character of the gap, the levels of response on specific measures used in our construction of ideological orientation are displayed in Tables 2 and 3. To capture the degree of elite and mass support for liberal policies, we employ, with slight modification, the categorizations of support suggested by Graham.[37] In what follows, "majority" refers to support by more than 50 percent but less than 60 percent of those with committed positions, "consensus"

[37] Thomas W. Graham, "The Politics of Failure: Strategic Nuclear Arms Control, Public Opinion, and Domestic Politics in the United States, 1945–1980" (Ph.D. diss., Massachusetts Institute of Technology, 1989), 57.

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TABLE 3
LEVELS OF SUPPORT FOR POLITICAL LIBERALISM: MASS VS. ELITE

	No Market Majority (<50%)	*Majority (50–59%)*	*Consensus (60–79%)*	*Virtual Unanimity (80% or >)*
Overall democratic orientation				
1993		mass		elite
1995			mass	elite
Political competition				
1993		mass	elite	
1995		mass	elite	
Oppose prohibition of dangerous ideas				
1993	mass	elite		
1995	mass, elite			
Individual rights priority				
1993			mass, elite	
1995		mass	elite	
No societal rights priority				
1993			mass	elite
1995			elite	mass
No one true philosophy				
1993			mass	elite
1995			mass	elite

refers to support of between 60 and 79 percent, and "virtual unanimity," of 80 percent or more. Table 2 displays the extent of elite support for most of the dimensions of economic liberalism. Aside from responses to the question of state ownership of heavy industry,[38] items used to construct the economic liberalism scale received either consensual or virtually unanimous support in both 1993 and 1995. In 1993 more than 80 percent of the elite sample responded in a liberal direction on three of the four items. They did not accept the notion that it was senseless to begin a new business, they endorsed economic competition as functional for society, and they agreed that it was reasonable for persons who ran successful businesses to become rich. Although support for these measures decreased modestly in 1995, more than 80 percent still supported the market overall.

Elite respondents also strongly endorsed liberal political beliefs and practices in both years. They were virtually unanimous in their support

[38] As in the Soviet period, the overwhelming majority of both elites and masses continue to favor state ownership of *all* heavy industry. See James Millar, ed., *Politics, Work, and Daily Life in the USSR: A Survey of Former Soviet Citizens* (Cambridge: Cambridge University Press, 1987).

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for political liberalism (Table 3), with approximately four-fifths, excluding those few not taking committed positions, coded as liberal democrats overall in both 1993 and 1995. Of the various items constituting the political liberalism scale, only one, concerning the state's obligation to protect citizens from dangerous ideas, was supported by less than 60 percent of the elite respondents. (The proportion decreased to less than half in 1995.) In both 1993 and 1995 the other items were endorsed by at least three-fifths of those expressing an opinion. More than 80 percent of the elite respondents in 1993 rejected the proposition that societal rights should prevail at the expense of individual rights; they also disagreed (usually strongly) with a proposition that epitomized the historical divide between liberalism and socialism, namely, that there was a single "correct" philosophy. In 1995 they continued (1) to be virtually unanimous in their opposition to the notion that there was such a true worldview and (2) to evince consensual support for political competition and the precedence of individual over societal rights.

Comparison of the mass response pattern with the elite response pattern for individual scale items (Tables 2 and 3) reveals noticeably weaker support for market liberalism and somewhat weaker support for political liberalism among the mass public. To be sure, respondents in 1993 and 1995 were overwhelmingly supportive of economic competition in the abstract ("Competition between various enterprises, organizations, and firms benefits our society"), and in 1993 a majority among the mass public revealed that they were favorably disposed to entrepreneurial activities and the introduction of new business. In both years, however, they were strongly opposed, much more than elite respondents, to private ownership of heavy industry. A majority continued in 1995, as it had in 1993, to dispute the proposition that it was senseless to begin a new business. But only a minority in 1995 agreed that it was normal for an owner of a prosperous business to become rich. Whereas in 1993 among those with committed positions a majority had favored the market, in 1995 support had eroded such that only a minority supported an overall market orientation.

Among those in the mass samples who expressed views, there was consensual support for a democratic orientation in 1993 and majority support in 1995, but in neither year is there anything like the virtual unanimity for democratic principles found among the elite. The mass public was as likely as the elite to reject the claim that societal rights should take precedence over individual rights, but on other items it was less likely to take a liberal position. We find consensus in both years

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that there is "no one right philosophy"—a proposition about which the elite respondents were virtually unanimous. In both years a majority favored political competition, the consensual position among elites. Again, mass respondents in 1995 were less supportive than elites of the statement that individual rights should receive priority. Both in 1993 and 1995 those opposing the prohibition of dangerous ideas were in the minority among the mass public.

In short, as predicted, the ideological orientations and values of Russian elites and masses are sharply divided, with masses exhibiting a greater proclivity to socialist and illiberal ideologies. Whereas a clear preponderance of elites had accepted market liberalism by 1993, a sizable fraction among the mass public had not. Furthermore, comparison of elite and mass response patterns on specific measures offers compelling evidence that the ideological positions of elites and the mass public reflect their respective opportunity structures. Elites, with their greater opportunities to acquire property and engage in profitable business activity, were virtually unanimous in their support for most elements of market liberalism in 1993. Consensus continued to exist in 1995 among elites that economic competition was beneficial, that entrepreneurial enrichment was normal, and that it was worth the risk to open a new business. In contrast, members of the mass public, with their more limited opportunities and greater likelihood of bearing the costs rather than the benefits of reform, were less positive about the various facets of the market economy. However, in their attitudes toward the various elements of democratic reform, particularly individual rights, the masses were more positive.

The Origins of the Gap

Although the elite and mass response patterns presented here are certainly consistent with the hypothesis that post-Soviet ideologies are rooted in the different economic opportunity structures of both elite and mass groups, more convincing evidence is needed. By comparing the ideological positions of various substrata of the mass sample, we can test several more specific causal hypotheses and test for evidence of association between various components of economic opportunity structure and ideological position.

The mean values of the economic and political liberalism scales by factors shaping individual and group economic opportunity are displayed in Table 4. On the basis of the foregoing discussion concerning the market origins of ideologies, we expect that upper-status individu-

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als, to the extent that their market situations are more similar to those of truly elite groups, to exhibit higher levels of support for economic and political liberalism. Individuals possessing those attributes most valued in emergent market conditions, such as youth and education, should also exhibit higher levels of support for market liberalism. Conversely, those people least in demand in the new labor market and/or facing the greatest impediments to finding satisfactory employment should be most resistant to liberalism. Included in this group are the less well educated, the elderly, and women. We should also find differences in ideological disposition across economic sectors and regions. Those groups most connected to the old state economy should evince lower levels of attachment to market liberalism, while those attached to firms and organizations operating within emergent market structures should evince higher levels of attachment. Given the wide disparity in economic conditions across Russia, a disparity connected with the regional concentration of specific industries, we also expect to find considerable regional variation in the level of attachment to market liberalism. Individuals from those regions most negatively affected by the economic downturn of the early 1990s should be less likely to accept the values and practices associated with the market. Finally, given the vast discrepancy in opportunities for economic gain between certain cities and most rural regions, we assume that urban residents will be more likely to support market liberalism than will those in the countryside.[39]

Variation in the mean economic liberalism score across various demographic, socioeconomic, and geographic categories presented in Table 4 largely confirms these hypotheses. First, as predicted, there is evidence of a considerable gender gap in both 1993 and 1995, with women scoring significantly lower on the economic liberalism scale. With regard to education and age, increases in level of education predict very well to increased attachment to market liberalism and younger age categories are indeed more economically liberal. Further, we find a strong, linear relationship between socioeconomic status, as measured by occupation, and support for market liberalism in the 1993 data and a similar, though less linear, pattern of variation in the 1995 data. In both years, except for the categories of manager and highly qualified professionals, we find mean scores that indicate adherence to more antimarket or socialist orientations. As would be expected, agricultural

[39] Heightened exposure to elite-influenced mass communications has probably also reinforced the liberalism of the urban population.

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TABLE 4
MEAN POLITICAL AND ECONOMIC LIBERALISM SCORES BY DEMOGRAPHIC, STRUCTURAL, AND REGIONAL FACTORS

	Economic Liberalism		*Political Liberalism*	
Variable/Category	*1993*	*1995*	*1993*	*1995*
Sample				
elite	.814	.689	.932	.768
mass	−.069	−.083	.320	.193
Sex				
male	.035	.005	.381	.231
female	−.158	−.144	.266	.160
Age group				
18–30	.230	.179	.359	.226
31–40	.024	.046	.391	.252
41–50	−.074	−.076	.373	.244
51–60	−.159	−.212	.306	.169
61 +	−.358	−.369	.165	.045
Education				
primary (7 yr. or less)	−.439	−.469	.008	.004
incomplete secondary (8–9 yr.)	−.543	−.247	.008	.030
complete general secondary	−.017	−.192	.281	.118
8 yr. + tech. or vocational	−.179	−.096	.203	.092
10 yr. + technical or vocational	−.177	−.079	.278	.164
secondary specialized education	−.028	−.102	.325	.202
incomplete higher	.493	.324	.498	.367
complete higher	.168	.206	.545	.394
Occupation				
administrators		.267		.423
higher level	.271		.454	
mid/lower level	.117		.413	
professionals	.023	.082	.502	.335
other white-collar workers	−.014		.359	
technicians and prof. support		−.089		.179
clerks		−.184		.113
service and shop workers		−.085		.187
skilled laborers	−.051	−.106	.292	.149
machine operators		−.118		.177
unskilled and agricultural workers		−.203		.096
unskilled laborers	−.438		.282	
agricultural workers	−.597		−.232	

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TABLE 4 (*cont.*)

	Economic Liberalism		*Political Liberalism*	
Variable/Category	*1993*	*1995*	*1993*	*1995*
Place of work				
state enterprise	−.120	−.033	.302	.211
state administration	.143	−.181	.056	.161
state scientific, educational, medical, or cultural organizations	−.001	−.021	.483	.236
security		.297		.429
armed forces	−.407		.324	
militia	−.185		.128	
state farm	−.044	−.341	.386	.149
collective farm	−.475	−.157	−.085	−.098
co-op, joint venture, collective	.242	.004	.300	.223
private enterprise	.637	.220	.597	.368
corporation, partnership	.198		.530	
Community size/type				
less than 1,000 residents	−.196	−.293	.135	.086
1,000 to 20,000	.077	−.247	.335	.152
20,000 to 100,000	−.076	−.135	.212	.183
100,000 to 500,000	−.291	.018	.295	.187
500,000 to 1 million	−.135	−.031	.271	.193
>= 1 million	.128	.057	.528	.305
capital	.213	.124	.567	.266
Region				
North	.037	.081	.382	.255
Northwest	.369	−.094	.496	.269
Central (except Moscow)	.049	−.096	.463	.161
Volga-Viatskii	−.232	−.0612	.290	.227
Central Chernozemnii	−.297	−.152	.157	.185
Povolzhskii	−.132	−.193	.211	.176
North Caucasus	−.032	−.123	.201	.180
Urals	−.482	−.055	.204	.171
Siberia		−.088		.212
Far East		−.176		.003

workers and unskilled laborers display the lowest levels of economic liberalism.

We also find variation in level of attachment to economic liberalism across sectors, regions, and types of communities. In 1993 the groups with the strongest socialist orientation were those working on collective farms and in state industrial enterprises; in 1995 those working on collective and state farms and in the state administration were the least

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economically liberal. In both years those employed in co-ops, joint ventures, or private enterprises displayed high levels of economic liberalism.[40] As expected, considerable regional variation in levels of market liberalism is present in both samples, though the pattern is much stronger in 1993 than in 1995. The regions with the most conservative scores in 1993, the Urals and the central black-earth region, are areas in which "traditional" socialist economic structures—large-scale heavy industry and collective agriculture—are concentrated. The weakening of the variation across regions in 1995 may indicate a growing homogenization of regional economic conditions, although the illiberalism of respondents in the Far East reflects that region's continuing depression. Finally, community size also appears to be a factor shaping economic liberalism. In both 1993 and 1995 considerably higher levels of economic liberalism are present among residents of Moscow and cities with populations exceeding one million; considerably lower levels are present in smaller communities. While in 1993 there was much less support for economic liberalism in medium-size (100,000 to 500,000 residents) to fairly large cities (500,000 to 1,000,000 residents) than in either smaller towns or cities with more than 1,000,000 residents, by 1995 the relationship between community size and economic liberalism was nearly linear. This change in the pattern of variation may also be a function of gradual equalization of conditions across Russia and a general improvement in the economic situation in larger cities. At the same time, resistance to economic liberalism appears to have deepened in the countryside, towns, and small cities, probably due to the particularly harsh conditions of life and limited resources in such settings.[41]

The hypothesis that economic opportunity structure also affects individual support for liberal democracy is further confirmed by variation across most of the same factors in average political liberalism scores. Occupational status and education are positively correlated in both 1993 and 1995 with support for political liberalism, while age is negatively correlated. Such findings are consistent with the considerable body of comparative and single-country studies regarding the effect of upward social mobility, generational change, and material "satisfaction"

[40] As can be observed in the tables, different response categories were used for place of work in the two surveys. For example, in 1995 individuals working in judicial administration were placed with members of the armed forces and militia in the category of "security services and judicial administration," whereas such respondents in 1993 were categorized as being employed in the state administration. Differences in categorization almost certainly account for the discrepancy between the 1993 and 1995 economic liberalism means of workers in "state administration."

[41] David J. O'Brien et al., *Services and Quality of Life in Rural Villages in the Former Soviet Union* (Lanham, Md.: University Press of America, 1998), esp. 243–47.

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on support for democratic values.[42] We again find a significant gender difference, with women less inclined toward political liberalism. We also see considerable sectoral and regional variation in support for political liberalism. The presence of the latter is probably due in part to the previously noted variation in regional economic performance, particularly in 1993, but also to differential exposure across regions to the national mass media, which have been generally supportive of Western political institutions and norms since the late 1980s. The higher average political liberalism scores of citizens in Moscow, St. Petersburg, and the Russian northwest are probably at least partially an artifact of the public's greater exposure to the mass media in those areas.

Comparison of mean scale scores thus supports the general argument concerning the effect of opportunity structure on both economic and political liberalism. But which dimensions of opportunity structure are the most determinative of liberal orientations? To answer this question, we constructed linear models of economic and political liberalism. These models depict both economic and political liberalism to be a function of the factors hypothesized to shape individual economic opportunity structure: age, sex, education, income, occupation, community size, and region. In addition, we included in the regression analyses variables peculiar to each survey that may also serve as indicators of individual economic opportunity structure. In the 1993 survey these were self-reports of personal possessions and a measure of whether or not the respondent would like to start his or her own business.[43] Included in the 1995 survey were assessments of change in family financial situation in the previous year, perceptions of the condition of the national and regional economy, and attitude toward the conduct of privatization.[44] Per-

[42] Examples include Alex Inkeles, *Becoming Modern: Individual Change in Six Developing Countries* (Cambridge: Harvard University Press, 1974), Ronald Inglehart, *The Silent Revolution: Changing Values and Political Styles among Western Publics* (Princeton: Princeton University Press, 1977); and William Reisinger et al., "Political Values in Russia, Ukraine and Lithuania: Sources and Implications for Democracy," *British Journal of Political Science* 24 (April 1994).

[43] Reports of personal possessions can be used to indicate both whether an individual has the basic resources necessary to engage in economic activity and how much capital he or she would be able to invest in economic activity. In the 1993 survey respondents were asked to report whether they had any of the following possessions: telephone, color television, VCR, dacha, personal automobile. The variable incorporated into the regression analysis is a simple count of these possessions. As a further indicator of perceived economic opportunity structure, we included responses to the following question: "Imagine that you had an idea to open a new enterprise, which, if successful, would strongly increase your income. Would you want to begin such a business?" Response options were a simple yes or no.

[44] The measures of national and regional economic conditions were questions regarding the general condition of the Russian national economy (with response categories from "excellent" to "very bad" shape), change in the state of the economy over the last twelve months, and change in the state of the economy over the last twelve months in the area in which the respondent resided (possible responses to the latter two items ranged from "improved a lot" to "worsened a lot." The measure of sociotropic

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ceptions of economic conditions, both in the general economy and within the family, have repeatedly been demonstrated to be significant determinants of political attitudes, party support, and voting behavior across nations.[45] We incorporate them into the model as crucial indicators of respondents' perceived and actual economic opportunity. We believe that respondents' attitudes toward the way in which privatization has been conducted in Russia taps into their sense of the fairness of the emerging economic order and the level of economic opportunity present.

$$EL = \alpha + \beta_1 A + \beta_2 S + \beta_3 E + \beta_4 I + \beta_5 O + \beta_6 I + \beta_7 R + \beta_8 W + \beta_9 B + \beta_{10} SO + \beta_{11} EC + \beta_{12} P + e$$

$$PL = \alpha + \beta_1 A + \beta_2 S + \beta_3 E + \beta_4 I + \beta_5 O + \beta_6 I + \beta_7 R + \beta_8 W + \beta_9 B + \beta_{10} SO + \beta_{11} EC + \beta_{12} P + e$$

where

EL	=	economic liberalism
PL	=	political liberalism
A	=	age
S	=	sex
E	=	level of education
I	=	family monthly income per capita
O	=	occupation level
ST	=	settlement type
R	=	region
W	=	material possessions
B	=	desire to start a business
SO	=	evaluations of condition and change of national and regional economy (sociotropic effects)
EC	=	perceived change in family financial situation (egocentric effects)
P	=	attitude toward conduct of privatization
e	=	error term

The results of regression analyses of these models are presented in Tables 5 and 6. Table 5 indicates that in both 1993 and 1995 age, edu-

evaluation was constructed by summing responses across the three items. The measure of change in family finances was "How has your family's material situation changed over this past twelve months?"

[45] Michael Lewis-Beck, *Economics and Elections: The Major Western Democracies* (Ann Arbor: University of Michigan Press, 1990).

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cation, sex, and type of community are the facets of economic opportunity structure with the greatest effects on economic liberalism, controlling for all other factors. The strength of their effects is not surprising, given that they are central determinants of individual economic opportunity in the Russian economy. The analyses also show that occupational category and family monthly income per capita do not exert statistically significant independent effects on economic liberalism. In the case of occupation, this failure is probably related to the high degree of collinearity with education, as well as to the imprecision of occupational category as an indicator of individual economic opportunity. As for income, its weakness as an explanatory factor supports our earlier contention that the structure of economic opportunity is primarily a function not of present income but rather of an individual's relative position within the market economy and her or his awareness of that position.

In addition to these common factors, the survey-specific measures of opportunity included in the models also exert significant influence on economic liberalism. Individual material wealth, as roughly measured by reported number of possessions, was a significant, if not powerful, predictor of economic liberalism in 1993, while reported desire to start a business was both significant and robust. Similarly, the composite measure of individual perception of general economic conditions in the country and the region (SO), assessments of change in family financial situation, and attitude toward the way in which property was being privatized all explained a considerable amount of the variation of individual economic liberalism in 1995.

The relative effects of various components of individual economic opportunity structure also differ in 1993 and 1995. First, region, which we entered into the equation as a set of dummy variables, explained a considerable amount of variation in economic liberalism in 1993 but rather little by 1995. This difference reinforces the observation made above of the apparent decline in the importance of region as an explanatory factor. Comparing the results of the 1993 and 1995 regression equations more generally, the economic opportunity structure model explained more variation in individual economic liberalism in 1993 than in 1995, 21 percent versus approximately 18 percent. Some of the change is probably due to the use of different independent variables in the two equations and also to the different response categories of the items used to construct the economic liberalism scale.[46] How-

[46] See fn. 33.

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TABLE 5

EFFECTS OF ECONOMIC OPPORTUNITY STRUCTURE ON ECONOMIC LIBERALISM

(1993 AND 1995 MASS SAMPLES)

	1993			*1995*		
Variable	*Coefficient*	*Standard Error*	*Standardized Beta*	*Coefficient*	*Standard Error*	*Standardized Beta*
Constant	−.833*	.243		−.747*	.139	
Age	.010*	.003	.146	.007*	.001	.167
Sex	−.198*	.056	−.123	−.114*	.030	−.081
Education	.066*	.013	.173	.041*	.009	.127
Income	−.000	.000	−.018	.0000	.000	.021
Occupation	.000	.023	.001	−.007	.008	−.025
Settlement type	.037*	.015	.100	.049*	.010	.112
R1 (North)	.378*	.154	.096	.175	.107	.056
R2 (Northwest)	.725*	.077	.320	−.022	.105	−.007
R3 (Central)	.401*	.072	.173	.029	.093	.015
R4 (Volga-Viatskii)	.152	.126	.047	.053	.107	.017
R5 (Central Black Earth)	.004	.121	.013	−.155	.114	−.043
R6 (Povolzhskii)	.181	.102	.076	−.013	.096	−.006
R7 (North Caucasus)	.367*	.106	.146	.051	.095	.023
R8 (Urals)	see constant			.023	.094	.012
R9 (Siberia)				−.042	.094	−.022
R10 (Far East)				see constant		
R11 (Moscow)	.455*	.124	.158	−.005	.109	−.045
W[a]	.006*	.027	.081			
B[a]	−.204*	.059	−.126			
SO[a]				.041*	.007	.135
EC[a]				.044*	.015	.067
P[a]				.082*	.016	.114
R=.480				R=.430		
R^2=.230				R^2=.185		
Adjusted R^2=.212				Adjusted R^2=.177		
Standard Error of the Estimate=.7188				Standard Error of the Estimate=.6256		

* p <=.05

[a] W = material possessions; B = desire to start a business; SO = evaluations of condition and change of national and regional economy (sociotropic effects); EC = perceived change in family financial situation (egocentric effects); P = attitude toward conduct of privatization.

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TABLE 6
EFFECTS OF ECONOMIC OPPORTUNITY STRUCTURE ON POLITICAL LIBERALISM
(1993 AND 1995 MASS SAMPLES)

	1993			*1995*		
Variable	*Coefficient*	*Standard Error*	*Standardized Beta*	*Coefficient*	*Standard Error*	*Standardized Beta*
Constant	−.140*	.233		−.071	.117	
Age	.002	.002	.039	.002*	.001	.065
Sex	−.140*	.054	−.100	−.068*	.025	−.064
Education	.052*	.015	.159	.032*	.007	.131
Income	.000	.000	.046	.000	.000	.021
Occupation	.008	.002	.106	−.009	.007	−.043
Settlement type	.070*	.015	.218	.014	.009	.043
R1 (North)	.310*	.146	.093	.077	.090	.033
R2 (Northwest)	.218*	.093	.112	.083	.089	.036
R3 (Central)	.157	.096	.078	.002	.078	.001
R4 (Volga-Viatskii)	.020	.121	.007	.067	.090	.029
R5 (Central Black Earth)	−.083	.116	−.032	.019	.096	.007
R6 (Povolzhskii)	−.161	.099	−.077	.026	.081	.016
R7 (North Caucasus)	.095	.101	.045	.056	.081	.034
R8 (Urals)	see constant			.042	.079	.003
R9 (Siberia)				.035	.079	.024
R10 (Far East)				see constant		
R11 (Moscow)	.132	.119	.053	−.001	.092	−.001
W[a]	−.168	.026	−.027			
B[a]	−.063	.056	−.045			
SO[a]				.015*	.006	.067
EC[a]				.006	.018	.012
P[a]				.019	.014	.035
R=.331				R=.251		
R^2=.109				R^2=.063		
Adjusted R^2=.087				Adjusted R^2=.053		
Standard Error of the Estimate=.6705				Standard Error of the Estimate=.5093		
* p <=.05						

[a] W = material possessions; B = desire to start a business; SO = evaluations of condition and change of national and regional economy (sociotropic effects); EC = perceived change in family financial situation (egocentric effects); P = attitude toward conduct of privatization.

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ever, the reduction in the robustness of the model may also be due to a decline in the total amount of variation in economic opportunity in Russia between 1993 and 1995. Certainly, the Russian GDP per capita slid from 1993 to 1995, which means that economic opportunity for the average citizen worsened. Indeed, a worsening of economic opportunity may account for the previously noted drop in the level of economic liberalism of the 1995 sample. Another possible explanation for the decreased explanatory power of the model in 1995 is that occupational status and education have declined across the postcommunist period as determinants of economic opportunity whereas individual qualities, such as willingness to work several jobs, entrepreneurial skill, or ability to survive in the competitive and often brutal Russian business world, have become crucial factors shaping individual economic opportunity.[47] Measures of entrepreneurial inclination were incorporated only in the 1993 survey.

The economic opportunity structure model accounts for much less variation in political liberalism, only about 9 percent in 1993 and 5.3 percent in 1995 (Table 6). The core components of opportunity—sex, age, education and type of settlement—still largely appear as significant determinants, but their effects are lower and not consistent across the two samples. Regional factors are less important and disappear altogether in the analysis of the 1995 data. Furthermore, most of the other measures of individual economic opportunity—personal possessions, desire to start a business, family economic situation, and attitude toward the conduct of privatization—fail entirely to exert significant effects on political liberalism. Only the sociotropic assessment of the economy significantly affects political liberalism.

These analyses thus seem to indicate that economic opportunity structure has only limited effects on individual political liberalism. However, further analysis of the data suggests a more complex relationship between economic opportunity, economic liberalism, and political liberalism. For attitudinal measures, political liberalism and economic liberalism are strongly correlated: the correlation is .36 in the 1993 survey data and .31 in 1995. When economic liberalism is included as an explanatory variable in the model of political liberalism, it boosts the R^2 to .164 for 1993 and .126 for 1995. Indeed, economic liberalism is so much stronger a predictor of individual political liberalism that the various indicators of economic opportunity disappear as signif-

[47] Tatiana Protassenko, "Dynamics of the Standard of Living in St. Petersburg during Five Years of Economic Reform," *International Journal of Urban and Regional Research* 21, no. 3 (1997), 446.

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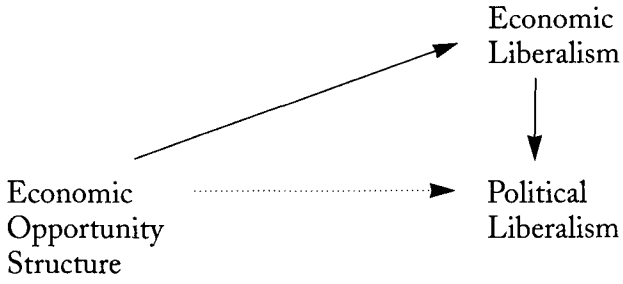

FIGURE 2

icant independent factors when it is included in the regression equations. What can be concluded is that although economic opportunity structure is only of limited strength in terms of its *direct* effects on political liberalism, it also exerts an *indirect effect,* through economic liberalism. The relationship between economic opportunity structure, economic liberalism, and political liberalism is illustrated in the path model in Figure 2. The analysis of the survey data thus supports the theoretical position taken at the beginning of the paper: the amount of individual economic opportunity determines the level of support for the market and its institutions, which in turn drives support for democratic principles.

Further analysis of the survey responses indicates that the structure of economic opportunity not only affects individual support for liberal principles but also heavily influences political system preference. In the third wave of the 1995–96 panel study, conducted in July 1996 immediately after the Russian presidential election, respondents were asked their opinion of what type of political order was most suitable for Russia at the present time. They were provided with three options: the Soviet system as it existed before perestroika, the present political order, and a representative democracy of the Western type. Almost half (49 percent) of the respondents regarded the erstwhile Soviet political system as preferable to either the present order (preferred by 34.4 percent of respondents) or representative democracy of the Western type (preferred by 17 percent). To assess whether system preference could be explained by individual economic opportunity, we constructed a logistic regression model, dichotomizing preference between a system of the Soviet type and the other two options (the existing order or a representative democracy of the Western type) combined. The economic oppor-

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tunity model correctly predicts more than 71 percent of respondent preferences (Table 7). The results clearly demonstrate that those citizens with the least opportunity to engage in and benefit from the market—those who are less educated, female, and older, and who reside in rural regions and smaller towns or cities—are most likely to prefer a Soviet-type system. Thus, the limited economic opportunity of these groups is directly undermining the legitimacy of the present Russian political system.

Conclusion: Postcommunism and Theories of Democratization

> We spoke of the many absurdities of our life and came to the conclusion we just couldn't go on like this.
>
> —*Eduard Shevardnadze*[48]

Our findings concerning the character and determinants of Russian elite and mass ideological orientations have important implications both for our understanding of the factors driving post-Soviet political change and for the theory and analysis of democratic transition and consolidation.

The observation of the gap between elite and mass ideology and the identification of its sources in differences in economic opportunity corresponds well to a growing scholarly consensus that the democratic revolution in Eastern Europe did not rise from society, from social and political movements, but rather was launched and led from above by elites.[49] What precipitated the elite decision to liberalize, fundamentally restructure, and finally abandon communism was the development among elites (including the subelite intelligentsia) of a consensus that the system they managed was morally bankrupt.[50] Our data provide evidence of the continuity of this elite consensus in Russia and suggest that it has developed into a strong attachment to liberal ideology. Awareness of the depth of liberal sentiment at the elite level allows us to interpret the economic programs of Yeltsin and his prime ministers as the expression of the genuine preferences and ideological orientation

[48] Shevardnadze is describing his meetings with Mikhail Gorbachev in the early 1980s. Shevardnadze, *The Future Belongs to Freedom* (New York: Free Press, 1991), 26.

[49] John Higley, Judith Kullberg, and Jan Pakulski, "The Persistence of Postcommunist Elites," *Journal of Democracy* 7 (April 1996).

[50] Judith Kullberg, "The Origins of the Gorbachev Revolution: Industrialization, Social Structural Change and Soviet Elite Value Transformation" (Ph.D. diss., University of Michigan, Ann Arbor, 1992).

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TABLE 7
LOGISTIC REGRESSION MODEL OF SYSTEM PREFERENCE[a]

Variable	*B*	*Standard Error*	*Wald*	*Exp(B)*
Privatization	.228	.065	12.32*	1.26
Sociotropic evaluation	.188	.029	42.84*	1.31
Sex				
female	−.242	.124	3.81*	.79
Year born	.038	.005	67.78*	1.04
Settlement type			62.47*	
1–20,000	.646	.232	7.75*	1.91
20,000–100,000	.853	.243	12.37*	2.35
100,000–500,000	1.341	.244	30.24*	3.82
500,000–1 million	1.431	.260	30.42*	4.18
> 1 million	1.509	.289	27.20*	4.52
capital	1.976	.365	29.22*	7.21
Education			37.72*	
8–9 yrs	−.171	.373	.209	.84
complete secondary	−.200	.244	.675	.82
8 yrs + technical or vocational	−.074	.296	.062	.93
10 yrs + technical or vocational	.182	.262	.481	1.20
secondary specialized	.282	.230	1.494	1.32
incomplete higher	1.480	.603	6.03*	4.39
complete higher	.943	.255	13.64*	2.57
Constant	−3.634	.366	98.38*	

[a]The dependent variable, system preference, is coded 0 for the Soviet system and 1 for the present system or democracy of the Western type.

*p <= .05

Model Chi-square	391.24
df	17
Significance	.000

	Predicted		
Observed	Soviet system before perestroika	Present system or representative democracy of Western type	Percentage correct
Soviet system before perestroika	516	208	71.27
Present system or representative democracy of Western type	217	544	71.48
			71.38 Overall

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of the Russian national elite in the postcommunist era, rather than as the product of IMF and Western influence.

While the foregoing analysis suggests a general warning about the high political cost of radical economic dislocations in periods of transition, it also speaks directly to the nature of the Leninist legacy in Russia. The Soviet social structure, the evolution of which produced reformist elites, also produced mass publics whose economic interests were tightly interconnected with socialist institutions. Millions are still painfully attached to and dependent upon these institutions and the disintegrating state. Our results indicate that poverty and limited opportunities in the new market economy are impeding the successful internalization of democratic norms by large segments of the Russian population. Combined with the poor development of institutionalized channels for the articulation and aggregation of interests and grievances, the limited opportunities and hardships experienced by many Russians may yet produce the social explosion feared since the beginning of the reform period.

Such an outcome would seriously undermine the considerable political progress that has occurred in Russia since 1991. Analysis of the survey data presented elsewhere indicates that the mass public has sufficient knowledge about leaders and their policy orientations to play the role of the informed electorate envisaged in democratic theory.[51] Moreover, electoral participation is substantial.[52] At the elite level, not only have elites embraced liberal values,[53] but they also appear to be adapting behaviorally, albeit gradually, to democracy. They quickly embraced electoral competition and now appear to be accepting the norms so essential for democratic stability: accountability, bargaining, and compromise. The selection of Yevgeny Primakov as prime minister in the aftermath of the 1998 ruble devaluation bespeaks both a new elite concern with mass discontent and an understanding of the importance of achieving a modus vivendi with the parliamentary opposition. Yet, despite these grounds for optimism, the continued resistance at the mass level to both economic and political liberalism and the limited support

[51] See William Zimmerman, "Foreign Policy, Political System Preference, and the Russian Presidential Election of 1996" (Paper presented at the meeting of the American Association for the Advancement of Slavic Studies, Boston, November 1996).

[52] In the 1995 parliamentary elections 64.7 percent of eligible voters cast ballots. Turnout in the first and second rounds of the 1996 presidential election was 69.8 percent and 69.9 percent.

[53] Scholars at the University of Iowa have also documented considerable Russian elite support for democratic principles and institutions. See Arthur Miller, Vicki L. Hesli, and William Reisinger, "Conceptions of Democracy among Mass and Elite in Post-Soviet Societies," *British Journal of Political Science* 27 (April 1997).

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for the present order evidenced in the survey data indicate that Russian democracy is not yet consolidated.[54] The gap between the limited support among mass publics for Russia's democratic regime and the elite's democratic consensus harks back to Gramsci's contention that ideologies and the orders they support are ultimately based upon material interests.[55]

Whatever the eventual outcomes of the East European and post-Soviet transitions, our results clearly suggest a need to refocus empirical democratic theory to include not only elite preferences but also structural and mass-attitudinal factors that exercise real constraints on the politically possible. The literature on democratic transitions has contributed greatly to the conceptualization of political process[56] but has tended to assume a specific context, which is that of a relatively well-developed market economy with all the related institutions and behavioral norms. Only when theories of democratic change are amended to take into account the role of structural factors, particularly those related to the structure and organization of the economy, will they provide satisfactory blueprints for crafting democracy that are applicable to market and nonmarket societies alike.

The theoretical reconnection of the market and democracy and the related reincorporation of mass interests into the study of democratic change also have implications for the growing body of literature on the relationship between economic reform and democratization.[57] Our analysis suggests that it is not the level of economic development and the total amount of wealth generated by a society's economy that are the important determinants of mass support for democracy, [58] but rather the availability of economic opportunities to specific socioeco-

[54] For discussions of the concept and indicators of consolidation, see Scott Mainwaring, Guillermo O'Donnell, and J. Samuel Valenzuela, eds., *Issues in Democratic Consolidation : The New South American Democracies in Comparative Perspective* (Notre Dame, Ind.: University of Notre Dame Press, 1992); and Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore: Johns Hopkins University Press, 1996).

[55] Gramsci (fn. 18), 105.

[56] See Guillermo O'Donnell and Philippe C. Schmitter, *Transitions from Authoritarian Rule* (Baltimore: Johns Hopkins University Press, 1986); Giuseppe Di Palma, *To Craft Democracy: An Essay on Democratic Transitions* (Berkeley: University of California Press, 1990); and Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).

[57] Stephan Haggard and Robert R. Kaufman, *The Political Economy of Democratic Transitions* (Princeton: Princeton University Press, 1995); and idem, "The Political Economy of Democratic Transitions," *Comparative Politics* 29 (April 1997); Larry Diamond, "Democracy and Economic Reform: Tensions, Compatibilities, and Strategies for Reconciliation," in Edward P. Lazear, ed., *Economic Transition in Eastern Europe and Russia* (Stanford, Calif.: Hoover Institution Press, 1995).

[58] For a similar argument, see Kennth A. Bollen and Robert Jackman, "Income Inequality and Democratization Revisited: Comment on Muller," *American Sociological Review* 60 (December 1995).

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nomic groups and individuals. If the opportunities for groups and individuals to enter or to compete in the market in democratizing societies are highly restricted, they are unlikely to become enthusiastic supporters of democracy.

Our analysis demonstrates that the level and intensity of support for liberal democracy is a question to be explored: mass support for democracy, that is, should never be assumed. It can be predicted in part by the market situation facing various social groups. When confronted with structural impediments to their entrance into the market or if they are unable to compete successfully in it, social groups and individuals are likely to prefer alternative, illiberal ideologies, as well as illiberal parties and candidates. Going beyond the scope of our findings, we would postulate that, given the presence of effective electoral institutions, limited mass support for liberalism is quite capable of undermining elite adherence to democracy. In this regard, our finding of a mild weakening of Russian elite support for liberal democracy between 1993 and 1995 appears to contradict recent work asserting that elites shape the beliefs and perceptions of masses.[59] Rather, at least in certain historical contexts, elites may follow the mass public.[60]

Finally, we suggest that the relations between democratizers and the mass public should be brought more fully into the analysis of democratic development. While the conversion of postcommunist elites to the market and democracy was necessary for the abandonment of communism, it was far from a sufficient condition for the consolidation of representative democracy. Indeed, it may in itself pose problems in the short run. Where linkage institutions are weak and social interests are poorly articulated, the liberalism of postcommunist elites has often translated into a democratic-authoritarian style of leadership and policy-making.[61] To the extent that elites conceive of themselves as possessing a superior or advanced ideology, they may be tempted to impose reform without consultation. The proclivity toward authoritarian leadership style is certainly present in postcommunist societies. Its continuation is facilitated greatly by the construction of a new set of transformative goals that provides leaders with a moral imperative needed to justify both their policies and their refusal to yield or com-

[59] John Zaller, *The Nature and Origins of Mass Opinion* (Cambridge: Cambridge University Press, 1992).

[60] In a recent article, Zaller also appears to be reconsidering the causal connections between elite and mass views. John Zaller, "Monica Lewinsky's Contribution to Political Science," *PS* 31, no. 2 (1998).

[61] Przeworski (fn. 1).

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promise with opponents and unhappy groups of citizens, whose criticism or protest is dismissed as reactionary.[62]

To create popular support for democratic regimes and thereby facilitate consolidation, postcommunist elites should enter into agreements, even if only implicit or symbolic, with the mass public, much as they entered into negotiations, round tables, and pacts with one another in the period of transition. As Larry Diamond has noted, elites may channel mass preferences, shape mass perceptions, and build mass support for representative democracy.[63] The Russian case illustrates that elites may also fail to speak the language of the people and to connect with social groups, as they concentrate instead on maximizing their economic gain and competing in the related intraelite struggle for the spoils of office. Their failure to expand the economic opportunity of citizens or to engage the people in the democratic undertaking appears to be adversely affecting the long-term prospects for Russian democracy.

Appendix

The 1992–93 surveys were designed by William Zimmerman and conducted under the supervision of Yelena Bashkirova and her public opinion research firm, Russian Public Opinion and Market Research (ROMIR). The mass sample, comprising 1,243 individuals from European Russia, was selected by means of a five-stage stratified random sampling design. After a three-stage narrowing process, households and apartments on address lists served as the primary sampling units; persons were then randomly selected from the identified households. The elite sample consisted of two hundred individuals whose primary expertise and position involved the analysis and/or conduct of foreign policy. These elites, interviewed in December 1992 and January 1993, were drawn equally from five "strategic" elite groupings: editors and journalists, economic managers, government officials (both elected and appointed), academics, and military officers. Individuals were selected randomly from lists of the approximate universe of actors in each of these areas. Those interviewed were genuinely elites. They were editors of major dailies, foreign policy observers for major television channels,

[62] A recent example of this tendency was Yeltsin's reaction to a miners' strike in Siberia. Commenting on the protest, Yeltsin accused the miners, who struck because of unpaid wages amounting to 172 million rubles ($27.8 million), of having not yet learned "to work in a market economy"; "Yeltsin Urged Investigation of Miners' Protests," *Radio Free Europe/Radio Liberty* (May 25, 1998).

[63] Larry Diamond, "Three Paradoxes of Democracy," in Larry Diamond and Marc F. Plattner, eds., *The Global Resurgence of Democracy* (Baltimore: Johns Hopkins University Press, 1993).

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persons on the foreign affairs–oriented committees of the erstwhile Supreme Soviet.

Many of the measures from the 1993 elite/mass survey were included in a 1995–96 panel survey. The panel was interviewed before and after the 1995 Duma elections and after the second round of the presidential election in July 1996. As the timing suggests, these surveys were designed primarily to assess the voting behavior of Russian citizens. The sample was drawn from the entirety of Russia absent Kaliningrad, Chechnya, and extreme northern Siberia. As in the 1993 mass survey, respondents were chosen through a multistage selection process and interviews were conducted face-to-face. In the first round 2,841 respondents participated. These mass surveys were conducted by the Institute of Sociology of the Russian Academy of Science and were designed by Timothy Colton, William Zimmerman, Polina Kozyreva, and Mikhail Kosolopov.

At approximately the same time, November 1995, the original 1993 elite/mass survey instrument, slightly modified, was administered to another elite sample. One hundred eighty persons were interviewed across six domains. Rather than interview forty respondents from state and private firms with foreign trade ties, as was done in 1992–93, thirty persons each from the state sector and the private sector were interviewed, along with thirty persons apiece from the military, the government, the academy, and the media.

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ELECTORAL SYSTEMS AND THE NUMBER OF PARTIES IN POSTCOMMUNIST STATES

By ROBERT G. MOSER*

AREND Lijphart concluded his book on electoral systems in consolidated democracies with the following note on new democracies:

> When a first electoral system has to be chosen which will hopefully guide the new democracy's elections for a long time (or, in the case of a redemocratizing country, a new system that will hopefully work better than the old one), it is important to examine all of the options as well as their advantages and disadvantages. . . . Therefore, to the extent that this study of seventy electoral systems in twenty-seven democracies will have some practical utility, it may have more to offer to electoral engineers in the new democracies than in these twenty-seven old democracies.[1]

Implicit in this statement is an assumption that the effects of electoral systems are more or less universal and will therefore hold in new democracies as well as old. Based on a rational choice understanding of the behavior of voters and candidates, the influence of electoral systems has provided a powerful explanation for the shape of party systems in consolidated democracies. After decades of empirical testing, the essence of the major hypotheses made famous by Maurice Duverger—namely, that single-member plurality elections tend to constrain the number of significant parties operating in a polity to a much greater extent than multimember proportional representation (PR) systems—has remained remarkably intact.[2] Thus, as democratization has swept

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[1] Arend Lijphart, *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945–1990* (Oxford: Oxford University Press, 1994), 151–52.

[2] Maurice Duverger, *Political Parties: Their Organization and Activity in the Modern State* (New York: Wiley, 1963); Douglas W. Rae, *The Political Consequences of Electoral Laws,* 2d ed., (New Haven: Yale University Press, 1971); William H. Riker, "Duverger's Law Revisited," in Bernard Grofman and Arend Lijphart, eds., *Electoral Laws and Their Political Consequences* (New York: Agathon, 1986); Giovanni Sartori, "The Influence of Electoral Systems: Faulty Laws or Faulty Method?" in Bernard

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through southern Europe, Latin America, and now the former communist states of east central Europe and Eurasia, it has been quite natural for politicians and political scientists to apply this body of knowledge to new democracies making the momentous decision to establish a new electoral law.[3]

It remains to be seen, however, whether the hypotheses regarding the effect of electoral systems, based for the most part on the experience of Western democracies, will actually hold in new democracies, particularly in the very different social and political context of postcommunist states. The experiences of Russia, Ukraine, and Poland (Senate elections) have shown that plurality and majoritarian elections can produce very fragmented party systems, suggesting that the reach of Duverger's laws may be limited.[4] Such findings have important practical implications for these new democracies as they struggle to survive. They also have important theoretical implications for new institutionalism, which seeks to grant institutions a political effect that is to some extent independent of their social and political environments.

This article examines the effect of PR and single-member district (SMD) elections in five postcommunist states to ascertain the effects of electoral systems in the postcommunist context. It will be shown that some of those states, most notably Poland and Hungary, have followed the standard pattern of party consolidation over time in reaction to incentives of electoral systems, while others, most notably Russia and Ukraine, have not. The different effects of electoral systems in these cases can be attributed to different levels of party institutionalization found in postcommunist states. Building on the work of Sartori and Cox, I argue that the constraining effects of electoral systems on the number of parties will be mitigated by the institutionalization of the party system.[5]

Institutionalization is defined as

> a process by which a practice or organization becomes well established and widely known, if not universally accepted. Actors develop expectations, orientation, and

Grofman and Arend Lijphart, eds., *Electoral Laws and their Political Consequences* (New York: Agathon, 1986); Rein Taagepera and Matthew S. Shugart, *Seats and Votes: The Effects and Determinants of Electoral Systems* (New Haven: Yale University Press, 1989); Lijphart (fn. 1).

[3] See, in particular, Arend Lijphart, "Constitutional Choices for New Democracies," *Journal of Democracy* 2 (Winter 1991).

[4] Krzysztof Jasiewicz, "From Solidarity to Fragmentation," *Journal of Democracy* 3 (April 1992); Robert G. Moser, The Impact of Parliamentary Electoral Systems in Russia," *Post-Soviet Affairs* 13, no. 3 (1997); Marko Bojcun, "The Ukrainian Parliamentary Elections in March–April 1994," *Europe-Asia Studies* 47, no. 2 (1995).

[5] See Sartori (fn. 2); and Gary W. Cox, *Making Votes Count* (Cambridge: Cambridge University Press, 1997).

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behavior based on the premise that this practice or organization will prevail into the foreseeable future. In politics, institutionalization means that political actors have clear and stable expectations about the behavior of other actors.[6]

Weak institutionalization of party systems can explain the failure of plurality and majoritarian electoral systems to have their expected reductive effects in postcommunist states. Moreover, variance in the level of strategic voting and learning over time among the postcommunist cases studied here can be attributed to a country's level of party institutionalization. Those postcommunist states showing increased strategic voting over time are those with the most institutionalized party systems in the region, while those that exhibited no signs of adaptation to electoral-system constraints have weaker party systems. Finally, given the low party institutionalization of some postcommunist states, this study suggests that PR systems with legal thresholds may provide a greater constraint on the number of parties than single-member district elections. PR elevates the status of political parties by providing them with a monopoly over nomination procedures not found in single-member district elections.

Perhaps the failure of electoral systems to have their predicted effects in new, unconsolidated democracies should not be surprising. Sartori has argued that strong electoral systems (for example, plurality systems) do not have their expected reductive effects on the number of national parties in countries with unstructured party systems.[7] Similarly, Cox has argued that strategic voting requires certain conditions that may not be approximated in all political contexts.[8] This article builds on these hypotheses by providing empirical support from postcommunist states.[9] The least institutionalized party systems in Latin America, such as

[6] Scott Mainwaring, "Rethinking Party Systems Theory in the Third Wave of Democratization: The Importance of Party System Institutionalization" (Paper presented at the annual meeting of the American Political Science Association, Washington, D. C. , August 28–31, 1997), p. 7. Mainwaring argues that party institutionalization is the key variable distinguishing party systems in established Western democracies and party systems in democratizing states, and he explains much of the variance in democratic performance within the broad class of democratizing states. According to his measures of institutionalization—which emphasize continuity of party organizations, control over candidate nominations, and the volatility of electoral support of parties—party systems in Eastern Europe and the former Soviet Union are among the least institutionalized of the late democratizers. See also Samuel Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), 12.

[7] Sartori, (fn. 2), 62.

[8] Cox (fn. 5).

[9] This is important because scholars have not identified many empirical cases that do not fulfill Cox's necessary conditions for strategic behavior. Cox's primary example of a country with a weakly institutionalized party system defying the expected effects of a plurality electoral system is Papua New Guinea. See Cox (fn. 5), 85. Sartori concentrated on the Indian example which produced a multiparty system in the electoral realm, but the expected high levels of disproportionality and a dominant party system after votes were translated into seats. See Sartori (fn. 2), 55–56.

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Brazil, have tended to adopt PR electoral systems that foster party fractionalization, thus providing no challenge to the debate over the constraining effects of PR and majoritarian systems.[10] The weakly institutionalized party systems of postcommunist states present a set of cases in which plurality and majoritarian electoral systems are used (independently or as part of a mixed electoral system), providing a unique opportunity to test hypotheses regarding strategic voting and the reductive effects of these systems.

Duverger's Law and Its Limits

Duverger originally formulated three laws of the effects of electoral systems:

> (1) Proportional representation tends to lead to the formation of many independent parties, . . . (2) the two-ballot majority system tends to lead to the formation of many parties that are allied with each other, . . . and (3) the plurality rule tends to produce a two-party system.[11]

The final law, Duverger claimed, was "the closest to a sociological law."[12]

Subsequent studies have better specified the causal nature of these correlations both empirically and theoretically. District magnitude (the number of representatives elected from each district) was found to be the decisive influence on disproportionality and multipartism. Low district magnitudes, particularly single-member districts, have a powerful constraining effect on the number of parties and produce high levels of disproportionality in the translation from votes to seats. High district magnitudes allow a greater proliferation of parties (but do not *cause* a multiplication of parties) and produce lower levels of disproportionality.[13] The constraining effect of electoral systems was found to reside most directly at the district level rather than at the national level.[14] Finally, the electoral system was found to interact with, not override, the cleavage structure in society.[15] The major modifications to Duverger's laws arise from these findings.

[10] Scott Mainwaring, "Brazilian Party Underdevelopment in Comparative Perspective," Kellogg Institute Working Paper, no. 134 (Notre Dame: University of Notre Dame, 1990).

[11] Maurice Duverger, "Duverger's Law: Forty Years Later," in Grofman and Lijphart (fn. 2), 70.

[12] Ibid., 69.

[13] Taagepera and Shugart (fn. 2); Lijphart (fn. 1).

[14] Sartori (fn. 2), 54–55.

[15] Peter Ordeshook and Olga Shvetsova, "Ethnic Heterogeneity, District Magnitude, and the Number of Parties," *American Journal of Political Science,* 38 (1994); Cox (fn. 5), 203–21.

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The fact that electoral-system effects are manifested at the district level has been used to accommodate exceptions to the correlation between plurality systems and two-party systems at the national level. For example, Rae argued that Canada retained three or four significant parties despite a plurality electoral system because of the existence of geographically concentrated minority parties. Minority parties in Canada survived because they supplanted one of the major parties in some districts while remaining third parties nationally.[16] Such a revision retained the plurality system's causal influence on the number of parties because plurality elections still produced two-party competition at the district level. With geographically concentrated minority parties, however, the same two parties were not always the major players in every district, resulting in multipartism at the national level.

Cox has contributed greatly to this debate by explicating the conditions under which strategic voting takes place. Using a rational choice model, he argues that strategic voting (and by implication strategic entry and departure by elites) requires certain conditions that involve actors' motivations, preferences, time horizons, and the availability of accurate information. Thus, Cox has argued that single-member plurality elections may fail to reduce the vote for minor parties if one or more of the following conditions arise:

> (1) The presence of voters who are not short-term instrumentally rational; (2) lack of public information about voter preferences and vote intentions (hence about which candidates are likely to be "out of the running"); (3) public belief that a particular candidate will win with certainty; or (4) the presence of many voters who care intensely about their first choice and are nearly indifferent between their second and lower choices.[17]

Even if conditions are favorable for the establishment of two-candidate races at the district level, the projection of this bipartism to the national level is not assured. Rather it depends on the ability of parties to unite prominent elites in single nationwide party organizations. If this is not accomplished the two candidates produced in plurality elections at the district level may belong to a multitude of different parties across the country. Cox cites institutional forces, most notably the direct election of a powerful national executive, as primary for pushing the nationalization of parties that is essential to the realization of Duverger's third law at the national level. In the absence of a general theory of nationalization, however, the existence of nationwide parties remains a

[16] Rae (fn. 2), 95.
[17] Cox (fn. 5), 79.

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necessary condition only for the constraining effect of plurality electoral systems to be felt at the national level.[18]

The presence of these preconditions for strategic behavior and the projection of local bipartism to the national level are particularly questionable during initial elections in new democracies, especially in postcommunist states with little or no democratic tradition. The absence of previous electoral experience and accurate polling information alone may deny voters and elites the information necessary to behave strategically.

Most importantly, the lack of well-established political parties undermines the ability of voters and elites to behave strategically. Parties serve as the primary mechanism to channel and aggregate public opinion, while electoral systems are a secondary mechanism influencing the number of viable political parties.[19] If significant political parties do not exist they cannot aggregate political elites into nationwide political organizations nor represent large segments of public opinion. In weak party systems, the absence of party identification leaves voters with no cues, other than the personal characteristics of candidates and patronage, as to how to cast their votes. Due to the transitory nature of party organizations in the most unstable new democracies, parties continually enter and leave the scene (usually in tandem with the political clout of their leader) and provide no continuity between electoral periods. Such conditions provide little opportunity for voters to cultivate lasting preferences for one party or another, leaving most uncommitted. For example, in Russia survey research has put the number of independent voters without a party identification at 78 percent, compared with 13 percent for the United States and 8 percent for Great Britain.[20] It is difficult, then, for us to attribute voting preferences to the majority of voters in unconsolidated democracies in the same way we attribute voting preferences to voters in consolidated democracies with institutionalized party systems. Without concrete preferences, strategic voting as a process based on a rank ordering of preferences seems very unlikely.

If one examines only consolidated democracies, the conditions necessary for strategic voting are usually approximated. Exceptions are few and easily accommodated through special conditions for geographically concentrated parties. This is not the case for new democracies, particularly in the postcommunist world where parties are not well-developed

[18] Ibid., 182–93.

[19] See Sartori (fn. 2), 55–56.

[20] Steven White, Richard Rose, and Ian McAllister, *How Russia Votes* (New York: Chatham House, 1997), 135.

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and voters and elites cannot easily respond to incentives from electoral systems. It would be a mistake to assume that institutional effects found in established democracies will be replicated in the very different social context of new democracies in eastern Europe and Eurasia.

Reconceptualizing Mixed Electoral Systems

The electoral systems of postcommunist states reflect the influence of the German system. Many states employ some sort of mixed electoral system with representatives elected in both party-list PR contests in large multimember districts and plurality or two-round majoritarian elections in single-member districts. No exclusively plurality systems elect all representatives in single-round, single-member district races, and this produces certain obstacles for those interested in testing theories of electoral systems in postcommunist states.

Mixed electoral systems complicate the categorization of electoral systems and the analysis of effects. Most scholars have thought of a mixed electoral system as a modified form of PR designed to curb the potential for party proliferation.[21] Such a conception is quite accurate for those mixed systems that utilize compensatory seats that interlock the two halves of the electoral system into one, as the German system does. Another type of mixed system, used in Russia and Croatia, however, does not use compensatory seats. Rather, it calculates the vote of the two portions of the system separately and allows parties to keep all seats won in each half of the system regardless of the results of the other tier. Shugart has argued that such a system is actually a modified plurality system. Since there is no mechanism to prioritize the PR tier over the plurality tier, he assumes that the effects of the plurality portion of the system will override the more feeble PR tier.[22]

Mixed electoral systems also tend to produce moderate levels of multipartism and disproportionality as designers have intended. In practice, such results are laudatory and are a major reason why the system has been replicated so widely in east central Europe and Eurasia. Mixed electoral systems, however, add little to the dichotomous debate between PR and plurality systems. Western scholarship has shown that the most powerful effect of electoral systems on the number of parties is the constraining effect of single-member plurality systems. Taken at

[21] Lijphart (fn. 1), 39–46.

[22] Matthew Shugart, "Building the Institutional Framework: Electoral Systems, Party Systems, and Presidents," Working Paper, no. 2.26 (Berkeley: Center for German and European Studies, 1994), 10–15.

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face value, the electoral systems of east central Europe and Eurasia do not offer any persuasive cases to test this hypothesis. The high levels of party fractionalization usually found in these states can be attributed to the combination of a fractionalized social cleavage structure and an insufficiently strong electoral system. Given that no postcommunist state exclusively employs the strongest system—single-member plurality elections—one can not test whether a plurality electoral system would have been able to curb the party fractionalization found in many such states.

Mixed electoral systems, however, also offer certain opportunities for the comparison of electoral systems. I argue that one can treat a mixed electoral system that employs separate votes for each tier of the system exactly as its name implies—as a mixture of two separate electoral arrangements operating side by side. Such a conceptualization provides a unique opportunity to study the effects of separate plurality or PR tiers of a mixed system while holding constant other possible intervening variables such as culture, social cleavages, and the level of socioeconomic development.

This conceptualization of mixed electoral systems follows the method of controlled comparison, which studies "cases that differ with regard to the variables one wants to investigate, but similar with regard to all other important variables that may affect the dependent variables; these other important variables can then be treated as control variables."[23] Although a powerful methodological tool, cases that are similar except in certain independent variables are very hard to find. This method has been used effectively by Putnam, who studied the interrelationship between political institutions and social environment in Italy, and by Lijphart, who examined changes in electoral systems over time within individual countries.[24] Lijphart argued that when a country changes its electoral system "many potentially important explanatory variables can be controlled in the sense that they can be assumed not to differ or to differ only marginally: the same country, the same political parties, the same voters, and so on."[25] The combination by mixed electoral systems of dichotomous electoral systems (PR and plurality/majoritarian) in a single social environment contributes a significant dimension of comparability not found in Lijphart's study. Despite their theoretical malleability, electoral systems are resilient institutions. All

[23] Lijphart (fn. 1), 78.

[24] Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993); Lijphart (fn. 1).

[25] Lijphart (fn. 1), 78.

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of Lijphart's cases involved changes within the same broad categories of electoral systems, mostly within the class of PR systems. Mixed electoral systems provide the unique opportunity to compare the diametrically opposed categories of PR and plurality elections upon which the debate over electoral systems has been based.

This approach to mixed electoral systems is not without precedent. To test for strategic voting, some scholars have compared the PR and plurality tiers of Germany's mixed electoral system to one another. Fisher, Jesse, Bawn, and Cox have all used the mixed electoral system of West Germany to show the greater level of strategic voting in the plurality tier than in the PR tier. Such analyses have consistently found that large parties in West Germany received more votes in the plurality tier than in the PR tier and vice versa for smaller parties, as the strategic voting hypothesis would predict.[26] By showing that voters behave differently in the separate tiers of a mixed system, such studies bolster the case for treating the different tiers of mixed electoral systems separately as long as a vote is cast in each tier.

The controlled comparison of different tiers of mixed electoral systems, however, is not without potential problems. The greatest problem is cross-contamination between the two cases compared. Unlike cross-national analysis or Lijphart's analysis across time, the electoral systems being compared in this test are not independent of one another. They form two halves of one electoral system for the same legislative body in the same election. No matter how independently the two halves of the system operate, the separation of mixed electoral systems into two systems for the purpose of comparison remains artificial. The two tiers of a mixed electoral system will surely affect one another to some extent. For example, small parties that run in the PR tier of the election have already assumed the entry costs of electoral competition and could be expected to run candidates in the single-member districts as well with little regard to payoffs in terms of seats. Or, one or two large parties may dominate the single-member plurality races, having coattail effects that produce greater vote shares in the PR contest. Consequently, the effective number of parties in the PR half of a mixed system may tend to be lower than if the system had a strictly PR electoral system.

[26] Steven Fisher, "The Wasted Vote Thesis," *Comparative Politics* 5, no. 2 (1974); Eckhard Jesse, "Split-voting in the Federal Republic of Germany: An Analysis of the Federal Elections from 1953 to 1987," *Electoral Studies* 7, no. 2 (1988); Kathleen Bawn, "The Logic of Institutional Preferences: German Electoral as a Social Choice Outcome," *American Journal of Political Science* 37, no. 4 (1993); Cox (fn. 5), 82–83; Samuel H. Barnes, Frank Grace, James K. Pollack, and Peter W. Sperlich, "The German Party System and the 1961 Federal Election," *American Political Science Review* 56 (December 1962).

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While it is important to keep the danger of cross-contamination in mind, it does not ruin this experiment. Incentives for strategic entry and withdrawal by elites in the single-member district tier may be weakened because the costs and payoffs of competition are changed. Strategic voting, however, should remain intact as shown in studies of West Germany. Rational voters will still have incentives to abandon small parties in the plurality tier in favor of large parties with a better chance of winning. Moreover, the mechanical effects of single-member district elections should remain intact producing greater disproportionality in favor of large parties than in the corresponding PR tier. Over time such mechanical effects should produce strategic behavior by parties who are punished in the translation of votes into seats.

The Effects of PR Systems in Postcommunist States

Do electoral systems affect the number of parties in postcommunist states and consolidated democracies similarly? To answer this question, electoral systems in five postcommunist states will be examined. Three of these, Russia, Hungary, and Lithuania, employ a mixed electoral system of various combinations of PR and plurality or majoritarian elected seats. The two tiers of these systems will be analyzed individually as separate systems following the controlled-comparison method described above.[27] Two countries with single-tier electoral systems, Poland and Ukraine, will also be studied.

These cases were selected to provide roughly equal coverage of PR and single-member district electoral systems. The cases also provide examples of varying levels of party institutionalization. Poland and Hungary have the highest level of party institutionalization. Parties monopolize the nomination process making independents rare and marginal phenomena. While there is significant volatility in popular support for parties from election to election, major parties or ideological tendencies have survived over time.[28] Russia and Ukraine represent the opposite end of the spectrum. Parties do not control the nomination process and independents dominate the field of candidates in single-member

[27] In the case of the 1992 Lithuanian elections, district-level data was not available for the single-member district tier. Therefore, only the PR tier of the 1992 Lithuanian election was included in the study.

[28] Six major parties have remained dominant in Hungarian politics since the end of communist rule. While the party system in Poland has been more fluid, Tworzecki has argued that the political system is actually more consolidated around a small number of political tendencies. Hubert Tworzecki, *Parties and Politics in Post-1989 Poland* (Boulder, Colo.: Westview Press, 1996). The recent consolidation of reformist forces into the AWS would tend to support this assessment.

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district elections. Parties are fluid, and voters tend not to have a strong and long-lasting identification with a particular party.[29] Lithuania represents a middle ground between the east European and former Soviet cases. Like Poland and Hungary, Lithuanian parties tend to monopolize nominations but are not as stable or firmly grounded in society.[30]

Table 1 provides basic information on the electoral systems of the five countries analyzed. Each individual election for which data were available will be treated as an individual case. By separating mixed systems into their component PR and plurality/majoritarian tiers, fifteen cases result: nine PR elections and six elections conducted under a plurality or majoritarian system.[31] Two measures common to the electoral-systems literature will be used to examine these systems: the effective *number of parties and the least-squares index of disproportionality.* The effective number of parties provides a measure of party system fractionalization by counting parties weighted by their shares of votes or seats so that very small parties do not count as much as large parties.[32] The level of disproportionality produced by an electoral system is the deviation between the proportion of votes a party receives in an election and the proportion of seats it actually gets in the legislature. According to cross-national studies disproportionality tends to be highest in plurality systems, which penalize small parties and reward large parties more than multimember district PR systems. Like the effective-number-of-parties measure, the least-squares index of disproportional-

[29] This characteristic is perhaps best captured by the unusually high level of split-ticket voting in Russia. In 1993, 70 percent of voters planned to split their votes in the PR and plurality tiers, voting for different parties or for a party and an independent candidate in the two halves of the election. Only 19 percent planned to vote a straight party ticket. White, Rose, and McAllister (fn. 20), 139–40.

[30] Kitschelt provides an index of the chances of program-based party formation for postcommunist states, which corresponds to the classification of the level of party institutionalization of the cases in this study. Using Kitschelt's scale Hungary and Poland have the highest scores at 5.5 and 5.0 respectively. The Baltic states are marginally lower at 3.5 to 5.0. Russia, Ukraine, and other Soviet republics have a much lower score of 0.5. Herbert Kitschelt, "Formation of Party Cleavages in Postcommunist Democracies," *Party Politics* 1, no. 4 (1995), 457. Moreover, Evans and Whitefield argue for a similar classification of postcommunist states' potential for the development of stable party systems, with east central Europe (Poland, Hungary, and the Czech Republic) possessing the greatest potential for stable party development followed by the Baltic states with Russia, Ukraine, and other Soviet successor states having much lower chances for the establishment of stable party systems. Geoffrey Evans and Stephen Whitefield, "Identifying the Bases of Party Competition in Eastern Europe," *British Journal of Political Science* 23, no. 4 (1993).

[31] Only tiers in which a vote is cast are analyzed here. Therefore, compensatory seats in Hungary and Poland calculated on the basis of previous votes are not included.

[32] The effective number of parties index is calculated by squaring the proportion of the vote or seat shares of each party, adding these together, then dividing 1 by this total:

$$N_v = 1/\Sigma(v_i^2) \text{ or } N_s = 1/\Sigma(s_i^2)$$

See Lijphart (fn. 1), 67–72; and Taagepera and Shugart (fn. 2), 77–81, 104–5.

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TABLE 1
ELECTORAL SYSTEMS IN FIVE POST-COMMUNIST STATES

Country	*Electoral System*	*PR Tier*	*Plurality/Majoritarian Tier*
Russia	mixed	225 seats elected in one nationwide district with 5% legal threshold	225 seats elected by plurality in single-member districts
Hungary	mixed	152 seats elected in 20 multimember districts with 4% (1990) and 5% (1994) legal threshold; 58 compensatory seats elected in one nationwide district with same thresholds	176 seats elected under two-round majoritarian rules in single-member districts; top three go to second round plus any candidate with 15% or more of first-round vote
Lithuania	mixed	70 seats elected in one nationwide district with 4% (1992) and 5% (1996) legal threshold	71 seats elected under two-round majoritarian rules in single-member districts; top two go to second round
Poland	PR	391 seats elected in 37 multimember districts; 69 compensatory seats elected in one nationwide district; no legal threshold (1991), 5% (1993)	none
Ukraine	majoritarian	none	450 seats elected under two-round majoritarian rules in single-member districts; top two go to second round

SOURCE: Cox (fn. 5), 50–54; Bojcun (fn. 4); "Polozhenie o vyborakh deputatov Gosudarstvennoy dumy v 1993 godu (Provisions for elections of deputies of the State Duma in 1993), *Rossiiskie vesti*, October 12, 1993.

ity weights the deviations between seats and votes so that small deviations have less effect than large ones.[33]

[33] The least-squared index of disproportionality is calculated by squaring the vote-seat share differences and adding them together; this total is divided by 2; and then the square root of this value is taken:

$$LSq = SqRt\ of\ 1/2^{*}\Sigma(v_i - s_i)^2$$

For discussion of these two measures see Lijphart (fn. 1), 67–72; and Taagepera and Shugart (fn. 2), 77–81, 104–5.

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TABLE 2
EFFECTS FOR PROPORTIONAL REPRESENTATION TIER/ELECTION

Case	*Legal Threshold*	*Effective # of Electoral Parties (N_v)*	*Effective # of Parliamentary Parties (N_s)*	*Least-Squares Index of Disproportionality*
Russia 1993	5%	7.58	6.40	4.94
Russia 1995	5%	10.68	3.32	20.56
Poland 1991	none	12.50	10.87	6.11
Poland 1993	5%	9.80	3.86	17.81
Poland 1997	5%	4.59	2.95	10.63
Lithuania 1992	4%	4.10	2.86	7.55
Lithuania 1996	5%	7.94	3.16	16.34
Hungary 1990	4%	6.71	4.31	9.34
Hungary 1994	5%	5.49	3.73	8.53

SOURCE: Russia: Cox (fn. 5), 159. Poland: Frances Millard, "Poland," in Bogdan Szajkowski, ed., *Political Parties of Eastern Europe, Russia and the Successor States* (Essex, U.K.: Longman Group, 1994), 313–42. Hungary: Benoit (fn. 40). Lithuania: Ole Norgaard, Lars Johannsen, and Anette Pedersen, "The Baltic Republics Estonia, Latvia and Lithuania: The Development of Multi-Party Systems," in Bogdan Szajkowski, ed., *Political Parties of Eastern Europe, Russia and the Successor States* (Essex, U.K.: Longman Group, 1994), 60; Lithuanian Seim, "Lietuvos Respublikos Seimo rinkimo '96," dataset, online at http://rc.lrs.lt/rinkimai/seim96.

Table 2 shows the effects of PR systems in the selected postcommunist states. The most striking characteristic of all the states is the level of party fractionalization. While party proliferation is expected in PR elections, the number of significant parties operating in postcommunist states outstrips anything found in developed countries. The average effective number of elective parties for the cases studied here is 7.71, which is higher than all electoral systems in consolidated democracies except Belgium and nearly twice the average for consolidated democracies using PR (D'hondt method).[34] It is also higher than in most new democracies with the exception of Ecuador and Brazil, both of which have around ten effective electoral parties.[35]

Clearly, the high number of parties in postcommunist states is due in part to fragmented and fluid cleavage structures. However, the high level of disproportionality produced by legal thresholds (which were used in every case but one) suggests an absence of strategic behavior in those cases with the highest level of disproportionality. The average level of disproportionality produced by PR systems was 11.31 (11.96 excluding Poland 1991, which had no legal barrier). That is more than

[34] Lijphart (fn. 1), 96, 160–61.
[35] Cox (fn. 5), 309–11.

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twice the average level of disproportionality for PR systems in consolidated democracies and is also higher than the average of majoritarian systems.[36]

According to Taagepera and Shugart's Law of Conservation of Disproportionality, the number of parties and hence the level of disproportionality produced by a system will be underestimated by the actual vote shares (as opposed to real voter preferences) because voters and elites make strategic decisions favoring larger parties before the vote even takes place.[37] Thus, postcommunist parties and voters should have anticipated the disproportionality that would be produced by the legal threshold imposed and have gravitated toward larger parties capable of overcoming the threshold. Then there would have been fewer electoral parties, fewer votes would have been wasted on sure losers, and disproportionality would have been lower. This process should increase over time as voters and elites learn the rules and adapt to the incentives of the system.

Among our cases this phenomenon seemed to occur in significantly varied ways. Poland provides the strongest evidence of adaptation to the incentives of a legal threshold and learning over time. Poland had the highest party proliferation among our cases in 1991 when there was no legal threshold. There was very limited consolidation and very high disproportionality in 1993 when a 5 percent legal threshold was first introduced, suggesting an absence of strategic behavior. But in 1997 elites seemed to learn from the devastating effect of the 5 percent legal threshold on small parties, and they consolidated in broad electoral blocs cutting the effective number of electoral parties in half. As a consequence, the level of disproportionality dropped significantly because there were fewer small parties left without representation. A smaller decrease in the effective number of parties and disproportionality over time in Hungary also shows support for the learning of strategic behavior over time. Russia and Lithuania show an opposite trend. In both countries the number of parties in the PR tier increased substantially from the first to the second election raising disproportionality exponentially.

What accounts for this difference in the learning of strategic behavior among our cases? Party fragmentation does not seem to be the culprit. Poland, on the one hand, had the most fractionalized party system in its first election, yet it displayed the greatest amount of adaptation to

[36] Lijphart (fn. 1), 96.
[37] Taagepera and Shugart (fn. 2), 123; Lijphart (fn. 1), 97; Cox (fn. 5), 173–78.

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electoral-system constraints over time. Hungary also has a relatively high degree of party fractionalization but a low degree of disproportionality. On the other hand, Lithuania had the lowest degree of party fragmentation in 1992 but almost doubled the number of significant electoral parties at the next election despite an increase in the legal threshold from 4 to 5 percent.

I argue that the difference in learning over time is caused by the degree of party institutionalization. Hungary has the most stable party system in this sample. It is dominated by the same six major parties that have consistently crossed the legal threshold and left little room for marginal parties. Poland's party system has been much more tumultuous; but Tworzecki has argued that underneath its fluid surface, Polish society is divided along several dominant cleavages and is evolving toward a cleavage structure similar to Western Europe.[38] The situation is different in countries of the former Soviet Union. With the exception of the Baltic republics, these countries have no significant recent experience with democratic governance or even independent statehood in the twentieth century. Politics is polarized, and political parties with identifiable social constituencies have been slow to emerge. In Russia the most developed parties occupy the extreme ends of the political spectrum and have a small minority of dedicated followers. This leaves a broad and amorphous center that encompasses the majority of voters and is represented by a multitude of fluid, minor parties. To a lesser extent, the same is true for Lithuania, which saw the former communist party return to power in 1992 with a majority of seats, only to be replaced by the Lithuanian Conservatives of the right at the next election, with minor parties of the center increasing over time. Under such conditions voters ignore the incentives to defect from marginal parties because they have no clear preference for a major party representing either end of the political spectrum. Moreover, it is difficult to decide which parties are viable or "out of the running" since the largest group in most opinion polls are the "undecideds."[39]

This is not to say that voters and elites in Soviet successor states will never respond to the incentives of legal thresholds. The likelihood of strategic behavior in these states, however, is undermined by social conditions that retard the institutionalization of political parties. Thus, we may expect Lithuania to experience strategic behavior in response to

[38] Tworzecki (fn. 28), 194.

[39] This is particularly true in Russia where surveys regularly report that 40 percent of respondents answer "don't know" to questions about whom they will vote for in the next election, more than twice the percentage supporting the most popular political party. Rose, White, and McAllister (fn. 20), 141.

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electoral systems sooner than Russia or other former Soviet republics because there is a better environment for future party institutionalization there.

Effects of Plurality and Majoritarian Systems in Postcommunist States

An even more perplexing conundrum presented by postcommunist experience has been party proliferation in plurality and majoritarian elections, which have been deemed the most powerfully reductive electoral systems in the literature. In two cases, Russia and Ukraine, not only have single-member district elections failed to produce local bipartism at the district level, but they also have failed to produce a dramatic mechanical effect—reducing the number of parties entering the legislature due to disproportionality—that is seen in comparative experience. The failure of strategic behavior in single-member district elections typically leads to an overwhelming advantage for the largest party in the system and thus to a dominant party system as found in India until the 1990s. Russia and Ukraine, therefore, are truly unusual cases of party proliferation in the legislature arising from single-member district elections.

Table 3 shows the effects of single-member district plurality and majoritarian elections. In three cases (Lithuania 1996, Hungary 1990 and 1994) there was a significant mechanical effect in the SMD tier. In all these cases the effective number of parliamentary parties was less than half the effective number of elective parties. Moreover, the level of disproportionality in SMD elections in Lithuania and Hungary was extremely high with values equal to or higher than the most disproportional PR election in the study, Russia 1995. Within-country comparisons further support the increased reductive force of single-member district elections in these cases. In Lithuania and Hungary the effective number of parliamentary parties in the single-member district elections was lower and the level of disproportionality higher than in the corresponding PR tier, just as one would expect from the literature. The Hungarian experience is particularly striking. Although the effective number of electoral parties was quite similar in the PR and majoritarian tiers in the 1990 and 1994 elections, the effective number of parliamentary parties produced in the single-member districts was less than half of that in the PR tier. Indeed, the impressive victories of the Hungarian Democratic Forum (MDG) in 1990 and the Hungarian Socialist Party (MSZP) in 1994 were driven in large part by seats won in single-member districts. The MDF won 67 percent of the 176 single-member district

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TABLE 3
EFFECTS FOR PLURALITY AND MAJORITARIAN TIER/ELECTION

Case	Electoral System	*Effective # of Electoral Parties* (N_v)	*Effective # of Parliamentary Parties* (N_v)	*Least-Squares Index of Disproportionality*	*Effective # of Candidates*
Russia 1993	plurality	3.23	6.13	4.27	7.06
Russia 1995	plurality	6.10	5.00	11.09	7.36
Lithuania 1996	maj.	7.75	3.06	20.37	5.59
Hungary 1990	maj.	7.14	2.03	31.88	5.97
Hungary 1994	maj.	6.17	1.35	40.89	5.64
Ukraine 1994	maj.	2.46	4.15	n/a	5.44

SOURCE: Russia: Foreign Broadcasting Information Service, *Report on Eurasia*, December 8, 1993; Central Electoral Commission of the Russian Federation, "Rezul'taty golosovaniya na vyborakh v Gosudarstvennuyu Dumu po odnomandatnym izbiratel'nym okrugam" (Results of voting on elections to the State Duma in single-member voting districts) (Unpublished report, Central Election Commission, Moscow, 1994); "Dannye protokolov No. 1 okruzhnykh izbiratel'nykh komissii o rezultatakh vyborov deputatov Gosudarstvennoy Dumy Federal'nogo Sobraniya Rossiiskoy Federatsii vtorogo sozyva po odnomandatnym izbiratel'nym okrugam (Data of protocol no. 1 of distict electoral commissions on the results of elections of deputies of the second State Duma of the Federal Assembly of the Russian Federation by single-mandate electoral district), *Rossiiskaya gazeta*, January 17, 1996; "Dannye protokolov no. 2 ob itogakh golosovaniya po federal'nomu izbiratel'nomu okrugu (Data of protocol no. 2 on results of vote for federal electoral okrug)," *Rossiiskaya gazeta*, January 24, 1996. Hungary: Benoit (fn. 40). Lithuania: Ole Norgard, Lars Johannsen, and Anette Pedersen, "The Baltic Republics Estonia, Latvia and Lithuania: The Development of Multi-party Systems," in Bogdan Szajkowski, ed., *Political Parties of Eastern Europe, Russia and the Successor States*. (Essex, U.K.: Longman Group, 1994), 60; Lithuanian Seim, "Lietuvos Respublikos Seimo rinkimo '96," at http://rc.lrs.lt/rinkimai/seim96. Ukraine parliamentary parties: Bojcun dataset online (fn. 4), 239; this is an estimate of partisan affiliations for 338 deputies who were elected after the first run-off election in April 1994. Ukrainian elective parties: International Foundation for Election Systems Ukrainian Project, 1996, at http://ifes.kiev.ipra.ua; this is a dataset of first-round election results for all 450 districts in Ukraine. Due to the incongruence of the data for electoral and parliamentary parties a least-squares index of disproportionality for Ukraine was not computed.

seats on 24 percent of the first-round vote in 1990 while the MSZP won 86 percent of those seats on 31 percent of the first-round vote.[40]

Russia and Ukraine present a different situation altogether. The effective number of parties reaching parliament (4.15 for Ukraine 1994 and over 5.00 for Russia 1993 and 1995) show none of the dramatic mechanical effect found in the other cases. Moreover, this measure probably underestimates the amount of party fractionalization pro-

[40] Computed from data in Kenneth Benoit, "Votes and Seats: The Hungarian Electoral Law and the 1994 Parliamentary Elections," in Gábor Tóka, ed., *The 1990 Election to the Hungarian National Assembly: Analyses, Documents and Data*. (Berlin: Edition Sigma, forthcoming). Dataset, online at http://data. fas. harvard.edu/staff/ken_benoit.

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duced by Ukraine's majoritarian system in which independents made up the largest "bloc" of representatives entering parliament (40.2 percent) and can hardly be considered a cohesive group. They were, however, treated as a single entity in computing the measure of the effective number of parliamentary parties.[41] The high effective number of candidates per district in Russia shows that Russia's plurality system failed to have its most basic effect—local two-candidate contests at the district level—an effect Sartori claimed even held in unstructured party systems.[42]

What distinguishes the cases in Ukraine and Russia from the others is the proliferation of independent candidates in single-member district elections. In Ukraine, only a small minority of the candidates (11 percent) were officially nominated by parties rather than by groups of voters or worker collectives.[43] This percentage, however, overestimates the number of independents because many candidates with a partisan affiliation chose to be nominated by nonpartisan methods. Using party membership rather than party nomination as the more accurate measure of partisanship among candidates, 61 percent of the first-round vote went to independent candidates.[44] This corresponds roughly to the Russian experience in which nonpartisan candidates gained 48 percent of the vote in 1993 and 36 percent in 1995. In Lithuania independents won only 3 percent of the vote. In Hungary the vote for independent candidates dropped from 7 percent in 1990 to only 2 percent in 1994. Independents in Ukraine and Russia not only made up a large proportion of candidates competing for office, they also accounted for the largest proportion of the winners. Fifty-two percent of winners in the Russian elections in 1993 were independents and 34 percent in 1995, while 40 percent of Ukraine's winning candidates did not belong to a party. In Lithuania's 1996 and Hungary's 1990 elections, independents made up only 6 percent and 3 percent of the winners, respectively.

[41] The effective number of parliamentary parties is based on estimates of partisan affiliation in the Ukrainian parliament for 338 of 450 deputies who were successfully elected after the first run-off election in April 1994. Bojcun (fn. 5), 239. Only 338 of the 450 district elections were declared valid after the first run-off because the other districts failed to fulfill the required criteria of both 50 percent participation and 50 percent support for the winning candidate. The rest of the seats were filled in special make-up elections held until 1996. Given the fluid and unstable nature of partisan affiliation in Ukraine this figure should be considered only an estimate of party fractionalization. In the Russian case, the effective number of parliamentary parties is based on membership in parliamentary factions, which renders a more accurate reflection of party fractionalization in the legislature.

[42] Sartori (fn. 2), 62.

[43] Bojcun (fn. 4), 233.

[44] This figure is based on data from the International Foundation for Election Systems (IFES), which listed both the mode of nomination for a candidate (party, voter group, workers collective) and the party affiliation of the candidate. The latter was used to estimate the percent of vote going to independents. See IFES, online, http://ifes. ipri. kiev. ua.

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There were no nonpartisan winners in Hungary's 1994 election.[45] There is some evidence that parties are gaining control over nomination procedures at least in Russia where the number of winning candidates without a partisan affiliation declined in 1995. Both Russia and Ukraine, however, continue to have a large contingent of independent candidates winning elections, which signals a continuing weakness in their party systems not found in the other postcommunist countries in this study.[46]

The proliferation of independent candidates is just another sign of the lack of party institutionalization in Russia and Ukraine as opposed to the other cases in the study.[47] Ukrainian and Russian parties have not controlled the nomination process in single-member districts in these countries and have not enjoyed a consistent level of significant support nationwide (with the possible exception of the Communist Party of the Russian Federation beginning in 1995). Consequently, without one or two large parties to benefit from strategic voting or disproportionality, single-member district elections fail to constrain the number of candidates per district. Rather, single-member districts produce their own proliferation of partisan and nonpartisan candidates and allow individual candidates with name recognition and financial resources to find success regardless of party affiliation. Once in parliament, this mass of independent candidates does not act as a unified group but splinters further. Some join parties they eschewed during the campaign; others form new parliamentary factions unrelated to electoral associations fielding candidates in the campaign; still others become atomized members of parliament without any consistent affiliation with a larger group.

[45] Figures on the vote for independents and their success in gaining seats are based on the following sources: IFES (fn. 44); Bojcun (fn. 4). Russia: Foreign Broadcasting Information Service, *Report on Eurasia*, December 8, 1993; Central Electoral Commission of the Russian Federation, "Rezul'taty golosovaniya na vyborakh v Gosudarstvennuyu Dumu po odnomandatnym izbiratel'nym okrugam," (Results of voting on elections to the State Duma in single-member voting districts) (Unpublished report, Central Election Commission, Moscow, 1994); "Dannye protokolov No. 1 okruzhnykh izbiratel'nykh komissii o rezultatakh vyborov deputatov Gosudarstvennoy Dumy Federal'nogo Sobraniya Rossiiskoy Federatsii vtorogo sozyva po odnomandatnym izbiratel'nym okrugam" (Data of protocol no. 1 of district electoral commissions on the results of elections of deputies of the second State Duma of the Federal Assembly of the Russian Federation by single-mandate electoral district), *Rossiiskaya gazeta*, January 17, 1996; "Dannye protokolov No. 2 ob itogakh golosovaniya po federal'nomu izbiratel'nomu okrugu" (Data of protocol no. 2 on results of vote for federal electoral okrug), *Rossiiskaya gazeta*, January 24, 1996. Hungary: Benoit (fn. 40). Lithuania: Lithuanian Seim, "Lietuvos Respublikos Seimo rinkimo '96," dataset, online at http://rc. lrs. lt/rinkimai/seim96.

[46] In March 1998 Ukraine held parliamentary elections under a new mixed electoral system similar to Russia's, which was not included in this study for lack of data. The results show a continued prevalence of independent candidates in single-member district elections in Ukraine. Of the 225 deputies elected in plurality elections, 114 (51 percent) were independents.

[47] Mainwaring uses the proliferation of strong independent candidates as one characteristic of his index of party institutionalization. Mainwaring (fn. 6).

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The fact that proliferation of nonpartisan candidates did not occur in all the postcommunist cases again suggests that party institutionalization varies in the region. While parties are relatively weak and fluid in all the emerging postcommunist democracies, a clear distinction needs to be made between those states with parties that dominate the nomination process and control the choices voters face and those that do not. The electoral system plays an important role in the development of parties in this context. PR party-list systems center attention on parties as the only vehicles for nomination, while single-member district elections allow nonpartisan candidates to enter the contest. At the same time, the effects of electoral systems on the number of parties are mitigated by the institutionalization of the party system itself.

Finally, it must be reiterated that while plurality and majoritarian electoral systems had a significant mechanical effect in some postcommunist states, single-member districts surprisingly appeared to have no effect on the number of electoral parties in any of the cases under examination. In no case does the effective number of elective parties in SMD elections approach the number expected in the literature ($M + 1$ where M signifies the number of candidates winning election). Of course, majoritarian elections are more ambiguous in this sense for they provide more incentives for party proliferation in the first round. For majoritarian cases, however, the expectation of reductive influence remains $M + 1$ with M signifying the number of candidates that can advance to the second round.[48] For Lithuania $M + 1$ would equal three effective candidates per district since the run-off is between the two top vote getters, an expectation Lithuania does not come close to approximating. Hungary allows the top three finishers plus any candidate with 15 percent of the vote into the second round. Thus, only in Hungary can the high number of effective candidates be attributed to a permissive electoral system, especially since Hungary has a third national tier of compensatory seats that uses votes not used to win seats from both the single-member district tier and the territorial PR tier. This situation provides even more incentive for party proliferation because a vote for a candidate with no chance of getting to the next round is not wasted; it can be used for compensatory seats in the national tier.

The chief consequence of the failure of voters and parties to act strategically is a high level of disproportionality in those countries with relatively developed parties that constrain the proliferation of independent candidates. Up to now, most postcommunist party elites (with the

[48] Cox (fn. 5), 123.

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exception of Poland) have failed to anticipate being punished by the mechanical effect of effective thresholds of single-member districts. They thus have entered competition only to fail to achieve representation. Likewise, postcommunist voters have tended not to anticipate that their vote will be wasted on marginal parties or do not care.

Thus, all the postcommunist cases employing single-member districts examined here provide some surprising and intriguing findings. In Ukraine and Russia, single-member districts produce party proliferation defying both the expectation of strategic voting and mechanical effects due to disproportionality. In Lithuania and Hungary, large parties benefit greatly from the mechanical effect of single-member districts due to high disproportionality, but voters and elites did not seem willing or able to react to these incentives and behave strategically.

The big question for both PR and single-member district electoral systems is whether the lack of strategic voting found in this study is a permanent or transitory feature of postcommunist elections. Will there be greater party consolidation over time as democracy takes hold and elites and voters learn the rules and better adapt to the incentives provided by the electoral system? Perhaps time and repeated electoral cycles are all that is needed to produce the types of outcomes so regularly found in established democracies. Cox has argued that time is required for electoral systems to take effect in new democracies:

> The typical scenario in emerging democracies, whereby a great number of parties spring up in the first elections, and there is a relatively slow winnowing out process, makes sense. A large number spring up in the first election because it is not clear who will be viable and who not. As information is revealed about voter preferences, the more serious groups will continue to enter, even against poor short-term odds, in the hopes of convincing less committed competitors to drop out.[49]

While there have not yet been enough elections to make any definitive judgments about learning, these initial findings suggest some interesting differences among cases and between electoral systems. In both PR and single-member district elections, the countries with the more institutionalized party systems showed the strongest signs of learning over time. In PR elections, Poland and Hungary saw their effective number of electoral parties and disproportionality drop over time, while the number of parties and disproportionality rose sharply in Russia and Lithuania from the first election to the second. In single-member district elections, only Hungary showed signs of party consolidation over time, and Russia (the only other country with full data for

[49] Ibid., 159.

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more than one election) saw fractionalization increase over time. In comparing learning under PR and single-member district elections, the evidence of learning of strategic behavior in PR elections was, contrary to expectations, greater than in SMD elections. This evidence suggests that in postcommunist states PR elections with legal thresholds may be more effective in controlling the number of parties than SMD elections.

Given the dramatic mechanical effects produced by effective and legal thresholds in both PR and single-member district elections in postcommunist states, one could expect the winnowing-out process described by Cox as long as parties are developed enough to give some semblance of party preferences. Voters, then, can behave strategically in light of those preferences. Where parties are weakest and can not even control the nomination process, however, such as in Russia and Ukraine, learning becomes less likely, particularly in single-member district elections where independent candidates are allowed to proliferate.

Electoral System Effects in Other New Democracies

The findings presented here suggest that electoral systems in postcommunist states have not led to a significant level of strategic behavior by voters and elites. In most cases the number of effective electoral parties exceeded the carrying capacity of the electoral system leading to extremely high levels of disproportionality. Is this a trend peculiar to postcommunist states, or can it be found in initial elections in all new democracies? Perhaps the proliferation of electoral parties in postcommunist states is a normal condition of initial elections that will subside as increased information and experience reward viable parties and weed out nonviable ones. If so, comparisons with other new democracies should show similar party proliferation in initial elections and contraction in the number of electoral parties over time.

The most effective comparison would be between the electoral systems of the postcommunist states and new democracies, which use plurality systems. The comparison would show whether the most powerful electoral system has faced party proliferation in initial elections in other new democracies only to produce consolidation over time as voters and elites learn to navigate the system. Unfortunately, few third-wave democratizers have adopted plurality systems.[50] Therefore, the most in-

[50] Eleven countries experiencing initial democratic elections in the 1980s adopted plurality systems but all were very small states, mostly Caribbean islands. Such cases do not provide the most suitable comparison with large postcommunist states. Nevertheless, these new democracies did not experience the same high level of party proliferation exhibited by the postcommunist states in the study. The

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structive comparison is a historical one with the initial elections of older, new democracies that have now become relatively consolidated. Two postwar democracies, the German Federal Republic, with its mixed electoral system employing both plurality elections and PR, and India, with its pure plurality system, will be examined to shed some light on the degree of party proliferation in initial elections under a plurality system and on the system's reductive properties over time as a result of learning.

Postwar Germany's early electoral history provides support for the idea that party proliferation may be a common phenomenon in new democracies but that reductive effects of the electoral system do take hold over time. Scholars have found evidence of strategic voting under plurality rules in the difference in vote totals for parties between the PR tier and the single-member district tier. The two largest German parties, the CDU/CSU and the SPD, have gained more votes in the single-member districts than in the PR race while smaller parties like the FDP lost votes. This situation suggests that voters defected from small parties less likely to win in single-member districts and gravitated toward parties with better chances for representation. While the discrepancy in the vote between the two tiers is not that significant, averaging a gain or loss of less than 2 percent for the three parties most affected (CDU/CSU, SPD, and FDP), it does provide persuasive evidence of strategic voting under plurality rules even when the vote does not really influence the final distribution of seats among parties.[51]

This phenomenon did not occur in the first election under the mixed system in 1953. In that election the SMD tier produced over three effective electoral parties (3.38), a higher effective number of electoral parties than in the corresponding PR tier (3.31). By the next election the effective number of electoral parties produced in the single-member districts had fallen to 2.75, and the single-member district tier produced fewer effective electoral parties than the PR tier (2.78), as the literature would expect.[52] This trend has grown over the years reducing the chances for victory by marginal parties in the single-member districts to virtually nothing and solidifying a two-party system in the SMD tier. Since the third election held under the mixed system in 1961, no party other than the CDU/CSU or SPD has won a single-member district

average effective number of electoral parties for this group of new democracies is 2.26, which is much lower than the average produced in Russia's two plurality elections. For data regarding these cases see Cox (fn. 5), 309–11.

[51] Jesse (fn. 26), 112.

[52] Calculations of effective number of parties were based on data in Barnes et al. (fn. 26), 906.

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seat. Thus, Germany provides a case of increased consolidation, presumably due to learning, which began to take place in the second election. German voters and elites did not need much time to adjust to the incentives of the electoral system.

India provides an example of the opposite phenomenon—a persistent absence of strategic voting under a plurality system. Party proliferation at the district level has remained high in India despite the fact that the plurality system consistently produced very high disproportionality, severely penalizing marginal parties. As a consequence, until the late 1980s, India experienced a dominant party system in which the Congress Party maintained a majority of seats based on a minority of votes while the opposition was fragmented. Unlike Germany there is no evidence of consolidation over time as a result of learning. In India's first two elections, the effective number of electoral parties stood at 4.21 despite the fact that the high disproportionality of the plurality system narrowed that number down to less than two effective parliamentary parties (1.79). Although one would expect voters and elites to adjust to the severe disincentives against small parties, the high level of party fractionalization did not subside over several decades of repeated democratic elections. In six elections from 1962 to 1984, India actually had more effective electoral parties, an average of 4.31, even though the electoral system's mechanical effect repeatedly reduced the number of effective parties entering parliament to 2.27.[53] By the end of the 1980s the mechanical effect of India's plurality electoral system even failed as the Congress party lost power and the manufactured majorities Congress enjoyed for decades gave way to coalition governments. In 1996 thirty parties were represented in parliament with 5.88 effective parliamentary parties. The 1998 parliamentary elections produced a similar outcome with 5.29 effective parliamentary parties, strikingly similar to the fractionalization produced by Russia's single-member district elections.[54]

These two examples show that party proliferation in initial elections may be a common occurrence. However, while Germany provides a case of learning that produced strategic voting beginning in the second

[53] Lijphart (fn. 1), 161.

[54] Calculations for the 1996 and 1998 Indian parliamentary elections were based on seat distributions provided by the India Votes '98 website, http://www. indiavotes. com. One crucial difference between the Indian and Russian cases is that the Indian case tended to produce two- or three-candidate races at the district level. The multiparty system at the national level was produced by the fact that the two major candidates in each district did not belong to the same two major parties from district to district. This was not the case in Russia, which saw an average of seven significant candidates compete in single-member districts. For district-level analysis of the number of candidates in Indian elections see Pradeep Chhibber and Ken W. Kollman, "Party Aggregation and the Number of Parties in India and the United States," *American Political Science Review* 92 (1998), 332.

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election, the Indian experience shows that the passage of time and repeated elections alone are not sufficient to promote strategic behavior. As in the postcommunist cases, I would argue that the key determining factor is the institutionalization of the party system, in which a relatively well-established party system in Germany provided the basis for strategic voting while a more weakly institutionalized party system in India failed to do so.

Conclusions

The findings presented here suggest that electoral systems affect the number of parties in postcommunist states and in more established democracies in very different ways. These findings provide greater empirical support for Cox's theoretical work on the conditions necessary for strategic voting to take place. Without a relatively institutionalized party system, voters and elites may not have the ordered party preferences to behave strategically or may not have enough information to differentiate viable from nonviable contenders. Under such conditions one would not expect the powerful reductive impact of plurality elections to take effect. Cox provided only anecdotal evidence from Papua New Guinea to illustrate how such conditions in the real world may produce party proliferation under plurality rules.[55] The findings presented here suggest that many postcommunist states may be undergoing democratic transition under such circumstances.

This study has reemphasized the importance of party institutionalization as an intervening variable influencing the relationship between electoral systems and the number of parties. The constraining effects of legal and effective thresholds seemed to vary with the institutionalization of the party system in postcommunist states. Countries like Poland and Hungary with more developed party systems showed greater tendencies for strategic adaptation to electoral system incentives and learning over time while countries like Russia and Ukraine with weakly institutionalized party systems showed no signs of strategic behavior or learning. The passage of time will not necessarily guarantee an eventual adaptation to electoral systems along patterns found in consolidated democracies if the social context never produces a relatively institutionalized party system as the case of India powerfully demonstrates.

Under conditions of extreme party underdevelopment, the electoral system that promotes the use of party labels—proportional representa-

[55] Cox (fn. 5), 85.

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tion—may be more effective in constraining the number of parties than the plurality system, provided a legal threshold is used. Indeed, in Russia a PR system with a 5-percent legal threshold had a stronger mechanical effect than its plurality counterpart. Poland has shown that over time PR elections with legal thresholds can reduce the number of parties in a postcommunist state as elites and voters learn the incentives of the system. Our cases have shown no such dramatic reduction in the number of electoral parties over time in single-member district elections. Therefore, electoral engineers hoping to curb party fractionalization in states with developing party systems may find better results with PR and a legal threshold than with single-member district elections.

Postcommunist states provide a challenge to electoral studies with party fractionalization that defies even the strongest electoral systems. The most underdeveloped party systems, such as those found in Russia and Ukraine, produce such fragmentation that even the mechanical effect of single-member district elections does not take hold. Such phenomena suggest that in integrating postcommunist states into the field of electoral studies greater attention will need to be paid to the implications of low levels of institutionalization of party systems. The main puzzle arising from this analysis is the process and conditions under which party systems become institutionalized in democratizing states.

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VILLAGE COMMITTEE ELECTIONS IN CHINA
Institutionalist Tactics for Democracy

By TIANJIAN SHI*

IN November 1987 the Standing Committee of the National People's Congress (NPC) in China adopted the Organic Law of Village Committees (draft). The law stipulated that the chairman, vice-chairmen, and members of village committees should be directly elected by the residents of the village. Implementation of the Organic Law began in 1989. Although the Tiananmen Incident interrupted the process, the effort survived the criticism of conservatives in the Chinese Communist Party (CCP) and continued.[1]

Initially, outside observers were suspicious of the reform. Some argued that it was merely a propaganda effort to convince villagers that they had a voice and to show the outside world that China was becoming more democratic. Others considered the elections to be a serious effort at reform but believed that the structural constraints built into the Leninist system were so formidable that the exercise could not effect any real change in the local power structure.[2] Even the most optimistic observers argued that any success would be confined to the "experimental villages" directly controlled by the Ministry of Civil Affairs (MCA).[3]

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[1] For discussion of the rules and regulations of elections at the provincial level, see Research Group on the System of Village Self-Government in Rural China and the China Research Society of Basic-level Governance, *Study on the Election of Villagers' Committees in Rural China* (Beijing: China Society Publishing House, 1994), 1–4.

[2] Barrett L. McCormick, *Political Reform in Post-Mao China: Democracy and Bureaucracy in a Leninist State* (Berkeley: University of California Press, 1990), 29–53; Daniel Kelliher, "The Chinese Debate over Village Self-Government," *China Journal* 37(January 1997), 84–86.

[3] Kevin J. O'Brien, "Implementing Political Reform in China's Villages," *Australian Journal of Chinese Affairs* 32 (July 1994), 49.

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Contrary to this prediction, however, elections have spread beyond experimental villages. In a 1990 nationwide survey 74.6 percent of rural residents reported that village committee elections had been held in their villages and 37.1 percent said the elections were semicompetitive; that is, there were more candidates than seats. Three years later a survey of the same locales revealed that 75.8 percent of respondents reported that their villages had held elections and 51.6 percent of them reported that elections had been semicompetitive.

Even though the CCP still organizes the elections—a breach of international standards of democracy—elections in rural China did create uncertainty for village rulers. Such uncertainty is the essence of democracy. Western journalists report that candidates in many places have even begun to purchase votes, testimony to the ability of the elections to put an entrenched power at risk.[4] In Shandong Province turnover in the 1995 elections reached 30 percent. It indicates that voters ousted between 9,900 and 19,800 incumbent CCP officials from office.[5] In Jilin Province 40 percent of the newly elected village leaders are not CCP members.[6] And a Chinese electoral official told the author privately that villagers in another province had removed 70 percent of the incumbent leaders from office.[7]

The semicompetitive elections in China even induced changes in local governance. Based on a four-county survey, Melanie Manion found that those villages that held competitive elections showed greater congruence between villagers and local cadres on a variety of policy issues than those villages that did not hold competitive elections.[8] These findings led experts from the Carter Center to conclude that elections in Chinese villages "are an important and sincere initiative and, as such, deserve to be taken seriously and supported."[9]

[4] For reports on vote buying, see, among others, Changsheng Lin, *Zhongguo nongcun de zhijie xuanju* (Direct elections in rural China) (Taipei: Committee for Mainland Affairs, 1995), 64–65; Steven Mufson, "China Dabbles in Democracy: To Run Village, Reform Party," *Washington Post*, January 26, 1995, A17; Kathy Chen, "Chinese Villages Get Taste of Democracy," *Wall Street Journal*, May 17, 1995, A14.

[5] According to officials in the Ministry of Civil Affairs, voters in Shandong removed more than 30 percent of incumbents from office in the 1995 elections. Most of them were grassroots members of the CCP. Shandong has 110 counties; on average, each county has 15–20 townships and each township has 20–30 administrative villages. Based on these figures, one concludes that 9,900 to 19,800 CCP members in Shandong Province were voted out of office in a single election ($110 \times 15 \times 20 \times .3$ or $110 \times 20 \times 30 \times .3$).

[6] Mufson (fn. 4).

[7] Author interview with electoral official of a province located in the eastern part of China, July 1996.

[8] Based on a four-county survey in rural China, Manion argues that elections made village leaders responsive to both old and newly emerging constituencies, as reflected in significant congruences between village leaders and their selectorates above and the electorate below. See Melanie Manion, "The Electoral Connection in the Chinese Countryside," *American Political Science Review* 90, no. 4 (1996).

[9] Carter Center, *Carter Center Delegation Report: Village Elections in China* (Atlanta, Ga.: Carter Center, 1998), 2.

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Existing democratization theory can scarcely explain electoral reform in China. Current literature on democratic transitions has focused on three sources of change. The first, advanced by modernization theorists, is socioeconomic development and class structure in society.[10] Besides the well-known criticisms of modernization theory, two other difficulties prevent us from applying it to explain reform in China:[11] (1) the theory expects transition to occur in more developed urban areas rather than in less developed rural areas; (2) according to the theory, increased wealth contributes to democracy by increasing the size of the middle class. Barrington Moore explicitly argues that peasants are major obstacles to a transition to democracy.[12] Contrary to these claims, electoral reforms in China happened in rural areas among peasants.

With more and more not-so-wealthy countries becoming democratic in the 1970s, scholars began to realize that although structural factors shape the prospects for democracy, those factors are never decisive. They found that the strategic choices made by political elites, especially the collaboration between soft-liners and opposition, represent a critical factor in facilitating transitions from authoritarianism.[13] The experiences of the "third wave" of democratization confirm this claim.[14] Unfortunately, the choices of soft-liners within the top level of the government cannot explain electoral reform in China. The most prominent reform leader, Premier Zhao Ziyang, feared losing control over rural reform and therefore opposed introducing elections into Chinese villages.[15] Although Zhao was serious about political reform in urban

[10] Since Lipset's article, many quantitative studies have confirmed that higher levels of development generate high probability of democracy and of stable democracy; see Seymour Martin Lipset, "Some Social Requisites of Democracy: Economic Development and Political Legitimacy," *American Political Science Review* 53, no. 1 (1959); Ross E. Burkhart and Michael S. Lewis-Beck, "Comparative Democracy: The Economic Development Thesis," *American Political Science Review*, 88, no. 4 (1994); Adam Przeworski and Fernando Limongi, "Modernization: Theories and Facts," *World Politics* 49 (January 1997).

[11] The major criticism is that the theory has the flavor of economic determinism and neglects the short-term political dynamic. See, among others, Adam Przeworski, "Some Problems in the Study of the Transition to Democracy," in Guillermo O'Donnell, Philippe Schmitter, and Lawrence Whitehead, eds., *Transitions from Authoritarian Rule: Comparative Perspectives* (Baltimore: Johns Hopkins University Press, 1986).

[12] Barrington Moore, Jr., *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1966), 418.

[13] Guillermo O'Donnell, Philippe Schmitter, and Lawrence Whitehead, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore: Johns Hopkins University Press, 1986).

[14] Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), 109–63.

[15] Zhao favored establishing village administrative offices to replace people's communes. Interview conducted in August 1996. See also Kevin O'Brien and Lianjiang Li, "The Struggle over Village Elections," in Roderick MacFarquhar and Merle Goldman, eds., *The Paradox of China's Reform* (Cambridge: Harvard University Press, 1999).

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areas and wanted to introduce elections for intellectuals and workers, his reform plan ignored the peasants.[16] Opposition to the regime, especially among democratic activists and liberal intellectuals, also disputed the rationality of such reform.[17] Many of them believed that attempting to bring electoral reform to rural China was theoretically wrong. They believed not only that such an attempt would be impossible but also that it would help the regime perpetuate its authoritarian rule.[18]

Finally, some scholars noticed that the "resurrection of civil society" served the development of democracy in many ways.[19] In Eastern Europe, autonomous group activities played an important role in undermining communist domination.[20] We are skeptical, however, about the explanatory power of civil society for electoral reform in China. In its original claim, "resurrection of civil society" refers to "generalized mobilization" triggered by liberalization.[21] But in China there was neither "generalized mobilization" nor "voluntary organized social life."

A more general problem of the current literature on democratic transitions is that the theory is inadequate for explaining incremental institutional changes under the old regime. How is it then, that such "unthinkable" reform occurred in China? Who promotes reforms in

[16] The reason for Zhao's ignorance of grassroots democracy is fairly complicated. Part of the reason is fear of *Luan,* or chaos, in rural areas and the loss of governability for local cadres. On several occasions, he expressed the concern that if peasants were allowed to choose their leaders by votes, local cadres would have great difficulty implementing government policy and collecting taxes. Author interview, Beijing, August 1996. Another reason is that in both Marxist theory and the traditional theory on democratization, peasants are considered to be obstacles to democracy. In the Marxist intellectual tradition, the peasantry is a class whose disappearance would be its first, last, and only service to the bourgeois revolution and hence to historical progress. Moore also argues, "no bourgeois, no democracy." He treats the peasants as an obstacle to democratization. See Moore (fn. 12), 418.

[17] Both the reformers and opposition believed that democratization required changes in the structure of the central government, a free, independent press, and probably a founding election. See Guoguang Wu, "Weishengme zai nongcun, weishengme shi nongmin: zhongguo mingzhuhua shibai zhongde yige liwai," in Chen Mingtong and Zheng Yongnian, eds., *Liangan Jicen* (Basic-level elections and political and social change on both sides of the Taiwan Strait) (Taipei: Yuedan Publishing, 1997), 428.

[18] Both the reformers and the opposition subscribed to social mobilization theory. Interestingly enough, their belief in social mobilization theory, especially the structural requirements for democracy, was reinforced by official ideology inherited from Marxism. Neither of them thought peasants could help bring democracy into China. Some of the opposition charged that those who proposed to initiate electoral reform in rural China were näive, if not "antidemocratic." See Gan Yang, "Gongmin geti weiben, tongyi xianzheng liguo," *Ershiyi shiji* (Twenty-first Century) (June 1996).

[19] O'Donnell, Schmitter, and Whitehead (fn. 13), chap. 5; Larry Diamond, Juan J. Linz, and Seymour Martin Lipset, *Politics in Developing Countries*, 2d ed. (Boulder, Colo.: Lynne Rienner, 1995), 27–31.

[20] In Eastern Europe the renaissance of autonomous group activity undermined communist domination by puncturing the psychology of fear and passivity, revitalizing social morality, regenerating political efficacy, and reporting the truth about the gross abuses of power. See Christine Sadowski, "Autonomous Groups as Agents of Democratic Change in Communist and Post-Communist Eastern Europe," in Larry Diamond, ed., *Political Culture and Democracy in Developing Countries* (Boulder, Colo.: Lynne Rienner, 1994).

[21] O'Donnell, Schmitter, and Whitehead (fn. 13), 48.

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authoritarian societies? What motivates them to do so? Most important, how do relatively weak reformers defeat stronger opponents under authoritarian rule? Thus far, few scholars have tried to answer these questions.

By contrast, Chinese electoral reform provides answers to these important theoretical questions. Like O'Donnell and his colleagues, we found political leadership to be a crucial factor in facilitating democratic reform.[22] But in findings that differed from theirs, we found that democratically committed midlevel officials rather than top national leaders played the crucial role in bringing endogenous changes to China. During the process of reform, pressure from society is indispensable. In contrast to other societies, the pressure for reform in China came from peasants, rather than from the middle class, and took the form of spontaneous acts, rather than of organized political actions.[23] The accumulation of pressure brought by the peasants appears to have been a gradual process. Thus, at the beginning of the reform, pressure from peasants could scarcely influence the choices of political elites. Once the reform was well under way, however, peasants were gradually mobilized by the reforms themselves to participate in village elections, and their participation, in turn, advanced the reform process.

Most important, we found the key to successful electoral reform lies with the ability of reformers to find an effective way to pursue their goals. Earlier institutionalist studies emphasized how conservatives and local bureaucrats exploited institutional designs within the PRC's governing structure to delay and undermine the implementation of various reforms.[24] What has been neglected is the other side of the coin—that the relatively weak reformers for their part can also use institutional settings, but to overcome conservative opposition. This article analyzes how these midlevel government officials maneuvered institutional dynamism to promote reform. In the first section we illustrate the institutional constraints facing the reformers. In the second section we report how these institutional constraints influence the interaction of political actors and shape the strategies of reformers. Next we analyze how Chinese reformers used the implementation process of the Organic Law to defeat powerful opposition. The analyses rely on interviews with reform officials and field observations.

[22] Ibid., chap. 3.

[23] Ibid., 48.

[24] O'Brien (fn. 3), 54–56; McCormick (fn. 2), 131–56; idem, "China's Leninist Parliament and Public Sphere: A Comparative Analysis," in Barrett L. McCormick and Jonathan Unger, eds., *China after Socialism* (Armonk, N.Y.: M. E. Sharpe, 1996), 37–41; Brantly Womack, "The 1980 County-Level Elections in China: Experiment in Democratic Modernization," *Asian Survey* 22 (March 1982), 269–70.

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Political Institutions: Actors and Rules

Institutions are humanly devised constraints that structure interaction.[25] They include both formal organizations and informal rules and procedures.[26] In the case at hand the institutional system in which both the electoral reformers and their conservative rivals operated can be outlined in terms of six sets of group actors and five rules of the game. In incremental reform, time is a crucial but usually neglected variable.[27] Dynamic institutional analysis will show how the power relations among the actors and the rules of the game changed as the reforms progressed.

The Actors

Officials in the Ministry of Civil Affairs

The major protagonists are a group of officials in the Ministry of Civil Affairs who were responsible for implementing the Organic Law. The mastermind of the electoral reform within the MCA was a midlevel official named Wang Zhenyao, a deputy director of the Department of Grassroots Administration in the MCA. Wang himself grew up in a village and in Mao's era worked as a peasant in Henan Province. This experience taught him that Chinese peasants are capable of making decisions about their own affairs. He also realized that for the peasants to live a better life, it was necessary to change the governing process in rural China.[28]

After Mao's death in 1977 Wang passed the college entrance examination and entered the university. At that time the works of Joseph Gusfield, Reinhard Bendix, S. N. Eisenstadt, Karl Deutsch, Seymour Martin Lipset, and Samuel Huntington were translated into Chinese and published in the PRC. Those works influenced a generation of intellectuals, as many young college students realized that economic de-

[25] Douglass C. North, "Epilogue: Economic Performance through Time," in Lee J. Alston, Eggertsson Thrainn, and Douglass C. North, eds., *Empirical Studies in Institutional Change* (New York: Cambridge University Press, 1996), 344.

[26] Kathleen Thelen and Sven Steinmo, "Historical Institutionalism in Comparative Politics," in Sven Steinmo, Kathleen Thelen, and Frank Longstreth, eds., *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge: Cambridge University Press, 1992), 2; G. John Ikenberry, "Conclusion: An Institutional Approach to American Foreign Economic Policy," in G. John Ikenberry, David A. Lake, and Michael Mastanduno eds., *The State and American Foreign Economic Policy* (Ithaca, N.Y.: Cornell University Press, 1988), 226.

[27] North (fn. 25), 343.

[28] Wang had worked as a farmer during the Mao era before he passed the college entrance examination and entered college after the Cultural Revolution. He told the author that he hardly had enough to eat during that period. On one occasion his hunger was so severe that he could hardly move his legs without falling down. Author interview, Beijing, August 1996.

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velopment needs to be sustained by certain kinds of political reform. At roughly the same time Chiang Ching-kuo in Taiwan lifted martial law and allowed opposition parties to compete with the Kuomintang (KMT). This development in Taiwan strengthened the belief of young reformers in the possibility of also changing a Leninist party from within. Wang noticed that economic reform in rural China made peasants the first social group to escape from the totalitarian control of the CCP. Unlike many others, he therefore believed that political changes should be easier to effect in rural areas than in urban areas.[29]

Another important factor in the reform efforts also occurred at this time. Deng Xiaoping adopted a policy of retiring revolutionary veterans from various levels of government, which quickly forced many from their leadership positions after the Cultural Revolution. The vacancies were filled in turn by technocrats and college graduates. The changes in the generational and educational composition of the bureaucracy had significant implications for Chinese politics. Unlike the old revolutionary veterans, the technocrats were less likely to be burdened by official ideology and tended to make policy based on a technical rationale. For their part, the college graduates assigned to different levels of the bureaucracy usually brought new ideas they had picked up in their university studies. Thus, after graduation Wang gathered together a group of reformers and joined the government with the goal of promoting political reform in rural China.[30]

The new generation of bureaucrats working in various levels of the government realized that they could not govern according to the old ways. Instead, they turned for guidance to the new ideas that were gaining currency.[31] Although not all younger bureaucrats within the Chinese government were reformers, many did work hard to reform the system from within. Of course, the bureaucratic interests of the ministry and career considerations also motivated Wang and other reformers in the MCA to implement the Organic Law faithfully.[32]

[29] Author interview with an official in the Rural Development Research Institute, Beijing, April 1989.

[30] Most of them came from the Rural Development Institute (RDI), a center of economic reform. The RDI was disbanded by the party for its heavy involvement in the democracy movement after June 4. The staffs of the institute were reassigned to different governmental organizations. Those in charge of implementing the Organic Law were assigned to the MCA.

[31] For changes of composition in the Chinese bureaucracy in the 1980s, see, among others, Cheng Li and Lynn T. White III, "The Thirteenth Central Committee of the Chinese Communist Party," *Asian Survey* 28, no. 4 (1988); and idem, "Elite Transformation and Modern Change in Mainland China and Taiwan: Empirical Data and the Theory of Technocracy," *China Quarterly* 121 (March 1990).

[32] In the 1950s the MCA was one of the most powerful, if not the most powerful ministry in China. It controlled not only basic-level administration but also the police. Many high-ranking officials wanted to restore the ministry to its former power. They believed that organizing elections in rural

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Unfortunately, the MCA is one of the least powerful ministries in the Chinese government.[33] The administrative arm of the MCA in each province, the Bureau of Civil Affairs (BCA, *minzheng ju*), is under dual leadership. The BCAs answer directly to the provincial government, which has exclusive control over promotions, housing allocation, and the welfare of cadres in the BCAs. Their relationship with the MCA is *zhidao guanxi;* that is, they are under the supervision of the MCA only for the bureaucratic function. The MCA is not responsible for their promotions and welfare. Such an arrangement assures that the local BCAs will side with provincial authorities against the MCA in the event of conflict between the two.

NATIONAL LEADERS

The second group of actors involved consists of the national leaders. They were mixed in their attitudes toward the reform. Although generally a reformer, Premier Zhao Ziyang stood with the conservatives on the issue of village election reform, fearing that such reform would make it impossible for township officials to enforce government policy. To cope with the changes in rural areas, he proposed establishing government offices in villages (*cuigongsuo*) to fill the power vacuum created by the dissolution of the people's communes.[34] Many provincial leaders supported Zhao's proposals.

Peng Zhen, the chairman of the NPC, was strongly opposed to Zhao's proposal[35] and wanted to introduce direct elections of village leaders into rural China.[36] This approach was shaped in part by Peng's commitment to the mass line of the CCP and his personal experiences during the Cultural Revolution. Peng may have supported introducing village elections into rural China to advance bureaucratic interests, but he also genuinely believed that by implementing such reform, one could in fact strengthen the existing political structure of the PRC. As the chairman of the NPC, he wanted to increase its power in the Chinese political process.

China would benefit the ministry in its quest for prestige and power. Based on such considerations, they supported the efforts of Wang and his staff. Author interview with cadres in the Department of Grassroots Administration, MCA, Beijing, July 1996.

[33] A good indicator of the status of the ministry is that when Yan Mingfu was demoted by the central committee after June 4, he was appointed by the organizational department of the CCP as deputy minister of this body.

[34] Lin (fn. 4), 24–25.

[35] Since the village committee was codified in the 1982 Chinese constitution, Peng argued, it was improper and illegal to establish government offices in Chinese villages.

[36] Li Xueju, *Zhongguo Chengxiang Jicenzhengquan Jianshegongzuo Yanjiu* (The study of reconstruction of grassroots administration in rural and urban China) (Beijing: Chinese Society Publishing House, 1994), 72–74. For Peng Zhen's role, see also O'Brien and Li (fn. 15).

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Peng worked hard to persuade the standing committee of the NPC to support the Organic Law. When the draft law stipulating that members of village committees should be elected by popular vote rather than being appointed by higher authorities was first presented to the standing committee of the NPC for review in 1986, most members opposed it and it was defeated. Peng managed to reintroduce the draft law to the standing committee and strongly lobbied its members to support it. Thanks to his persistent efforts, the draft finally passed and became law in November 1987, only months before his retirement.

Although Peng's sponsorship was essential to launching reforms that would open up the system, national leaders had little influence over the implementation of the Organic Law. By the time implementation began in 1990, the leading opponent of the reform, Zhao Ziyang, had been purged. Except for one incident after June 4, most national leaders were indifferent to electoral reform.[37]

LOCAL BUREAUCRATS

A third group consisted of local bureaucrats at the township, county, and provincial levels. Students of Chinese politics sometimes overlook how varied this stratum is and mistakenly analyze it as a single group opposed to reform. In reality, the attitudes of officials at different levels of government can be different. Additionally, attitudes of the same officials about electoral reform may shift over time. In the initial stage most local bureaucrats opposed the reform, fearing it would cause instability in places under their jurisdiction. In the face of the ongoing economic and political reform, some gradually realized that they could no longer rely on the traditional way of governing. Although elections may not have been their preferred choice, many came to see it as the only way to cope with new problems arising in the villages.[38]

[37] There was one exception to this observation. In the aftermath of the Tiananmen Incident, the powerful personnel department of the CCP, in conjunction with some provincial leaders, expressed its opposition to direct village elections. Conservatives within the CCP charged that such elections were "examples of peaceful evolution" and suggested abolishing the plan. At that critical moment two veteran leaders, Peng Zhen and Bo Yibo, rose to challenge those allegations and defend the project. See Lin (fn. 4), 32–33. They summoned Song Ping, director of the personnel department of the CCP, to Peng's home to persuade him to support the implementation of reform. Thanks to their intervention, the project survived an attack from more conservative elements, and elections in rural China were held even as many other reform measures, including economic projects, were suspended. Tyrene White, "Rural Politics in the 1990s: Rebuilding Grassroots Institutions," *Current History* 91, no. 566 (1992), 276; O'Brien (fn. 3), 49.

[38] With reform already in progress, many bureaucrats also realized that elections were the key to better leadership and a guarantee of successful enforcement of party policy under the changing circumstances in China. Although taxes and other collections in a county adjacent to Renshou were much higher than those collected by officials in Renshou, the peasants never rebelled. Further investigation shows that because the MCA designated that county as a model county for promoting rural elec-

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VILLAGE-LEVEL CADRES

A fourth group of actors consisted of incumbent village-level cadres. Most of them opposed the electoral reforms out of a sense of uncertainty about whether they could hold on to their positions.[39] At a conference on village elections attended by heads of grassroots administration desks of BCAs in 1996,[40] the author asked participants to evaluate attitudes of incumbent village cadres toward reform at the beginning stage of the implementation process. Among the thirty participants, twenty-eight reported that village cadres were opposed to electoral reform.[41]

PEASANTS

The fifth group of players were the peasants. The support of Chinese peasants for electoral reform can be traced to the economic reforms begun in the late 1970s. Under the people's communes, peasants had been dependent on village authorities for all aspects of their livelihood. The de facto privatization brought about by the economic reform turned Chinese peasants into resource providers for grassroots administrations.[42] When village authorities asked peasants for money, the peasants began asking in exchange to participate in the decision-making process.[43] The famous peasant rebellion in Renshou County in Sichuan Province in 1993 was the product of such radical changes.[44]

When elections were first introduced into rural China, peasants hardly had any say in the process. Most peasants were suspicious of the government's intentions and few wanted to engage in electoral politics to pursue their goals, preferring to remain spectators rather than participants. Nonetheless, the ongoing reforms gradually redefined the

tions, the peasants there actively participated in the decision-making process for public projects. See Yongnian Zheng, "Xiangcunminzhu he zhongguo zhengzhijincheng," *Twenty-first Century*, no. 35(June 1996), 27. Bureaucrats found to their surprise that such participation also enhanced citizens' sense of responsibility, which made the task of governing easier. Author interview with ten BCA officials, Beijing, July 1996.

[39] As correctly pointed out by McCormick, they opposed the reforms, not because they believed the changes would threaten the authority of the party as a whole, but because the reforms threatened their personal interests, which could be quite different from those of the regime generally. See McCormick (fn. 2), 146.

[40] The organization responsible for electoral reform in the MCA is the Department of Grassroots Administration (*jiceng zhengquan jianshesi*). The administrative arm of the department is the Desk of Grassroots Administration in provincial BCAs.

[41] Author interview, Weichang, Hebei Province, August 8, 1996, at the international conference on village elections organized by the Ministry of Civil Affairs.

[42] This happened in areas where there were no major collective enterprises. In villages having collective enterprises, the situation was quite different and remains so.

[43] Author interviews with officials of the provincial Civil Affairs Bureaus from Shanxi, Hunan, Jilin, and Henan, July 1996. See also Lin (fn. 4), 19–20.

[44] Zheng (fn. 38), 27.

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peasants's incentive structure and eventually provided them with resources and power to influence the reform process.[45] When reform transformed elections into a salient institution in rural politics, peasants became important political actors.

FOREIGN ACTORS

Students of comparative politics have long understood that international systems can influence domestic politics.[46] Previously, we demonstrated that international systems influenced reform in China through the transmission of democratic values. Foreign actors, including Western foundations, academics, politicians, and journalists, were also directly involved. By providing financial support, advice, and criticism, these actors participated in various stages of the political struggle over the implementation of the Organic Law.

THE RULES

In the case of the electoral reform, many factors and rules of the game shaped the goals, preferences, and strategies of political actors.[47]

1. First and foremost is the official ideology of their nation. The official ideology in China has been hostile to free expression and, more importantly, to popular sovereignty.[48] Such elections as there had been in China in the past were not about letting people choose their rulers. Rather, those elections were designed to mobilize people to carry out predetermined party goals, to socialize them into official norms, and to legitimate the rule of the CCP. Electoral reforms adopted in 1979 enlivened elections for local people's congresses but did not signal a change in the official ideology, and neither did the village committee election reform of the following decade.[49]

[45] When I visited Hequ and Shenchi Counties in Shanxi Province, the heads of the BCA in both counties mentioned to me explicitly that when villages ask peasants for money, the peasants ask in turn to participate in the decision-making process. Author interviews, Hequ and Shenchi Counties, Shanxi Province, July 1995.

[46] Peter Gourevitch, "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 42 (Autumn 1978), 882.

[47] For a set of rules to be institutions, knowledge of these rules must be shared by the members of the relevant community or society. Jack Knight, *Institutions and Social Conflict* (New York: Cambridge University Press, 1992), 2.

[48] James R. Townsend, *Political Participation in Communist China* (Berkeley: University of California Press, 1969); Lowell Dittmer, "Public and Private Interests and the Participatory Ethic in China," in Victor C. Falkenheim, ed., *Citizens and Groups in Contemporary China* (Ann Arbor: Center for Chinese Studies, University of Michigan, 1987), 18–27.

[49] See Andrew Nathan, *Chinese Democracy* (Berkeley: University of California Press, 1985), 193–223. McCormick found that dominant groups in the leadership had rejected crucial aspects of the Western model, such as the relative legal autonomy of civil society and relatively free competition in elections. See McCormick (fn. 2), 131.

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2. Because the structure of authority in China is fragmented, bureaucrats have a lot of room for maneuver in the implementation of policy. As a consequence, policy-making is protracted and incremental.[50] For typical policy initiatives, no single decision determines the issue.

> Rather, a whole string of mutually reinforcing decisions are required in order to keep any one initiative on track—and the announcement of a decision in the national media tends to cloak this protracted process. A major decision, in brief, does not by itself ensure that the substance of the decision will be implemented. Relatedly, the search for the timing of a particular decision is often misplaced, for the process of making a decision is protracted, as a consensus for it is built.[51]

3. While outright opposition is dangerous, bureaucrats can engage in covert resistance to policies they do not like. Two frequently used techniques are making requests for special treatment or individual exemptions and formally implementing policies but covertly subverting their intent.

4. Since bureaucrats in the administrative arms of the MCA are under dual leadership, they must balance local interests against orders from the central government when implementing policy. Reformers cannot count on their support if local government opposes their policy.

5. There is no adequate means for supervising policy implementation, because the organization responsible for implementing policy is also responsible for sanctioning the mistakes of local bureaucrats.

Institutional Effects on Political Interaction

Static comparison of the balance of power led officials in the MCA to believe that dramatic reform in China is impossible. To overcome resistance to the reforms, reformers in China embarked on a strategy of deliberately manipulating a crucial but usually neglected variable—time. When I first contacted Wang's colleagues in early 1989, they told me that an "incremental, or Fabian approach" would be the ideal model for China.[52] "According to Huntington," they argued, "the foot-in-the door approach of concealing aims, separating the reforms from each other, and pushing for only one change at a time" was the only way to bring any meaningful political change to China.[53]

[50] Kenneth Lieberthal and Michel Oksenberg, *Policy Making in China: Leaders, Structures, and Process* (Princeton: Princeton University Press, 1988), 24. For a discussion of policy implementation in China, see also David M. Lampton, ed., *Policy Implementation in Post-Mao China* (Berkeley: University of California Press, 1987).

[51] Lieberthal and Oksenberg (fn. 50), 24–25.

[52] Author interview with officials in RDI, Beijing, January 1989.

[53] Huntington says that "the most effective method of reform is the combination of a Fabian strategy with blitzkrieg tactics." See Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), 346.

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To win over stronger opposition, reformers must abide by the rules of the game shaped by the institutional settings of their society. Institutions influence the interactions of political actors in four ways, as discussed in the following paragraphs.

First, established institutions affect the nature of arguments that are deemed correct in a given political system. "Correct arguments" are those that are convincing to the people they are designed to appeal to yet do not leave themselves open to attack by others.[54] This is true not only in today's China but also in other societies. For example, in Victorian England from 1830 to 1879 centralization and collectivism were alien to the prevailing climate of opinion. Reformers who wanted to increase the power of the government therefore behaved surreptitiously and circuitously. "Where the matter at issue was openly debated they had to be explained away as exceptions, as unusual necessities or even on occasion as subtle applications of the principle of individualism."[55] Study of the behavior of reformers in that era led MacDonagh to conclude that at the time of positive and aggressive individualism,

> if the foundations of the modern state were laid, it happened only because of the immense pressure from beneath of the promoting factors, only because of the great difficulty of measuring particular actions of government and particular statutes against the uncertain yardstick of individualism, and only because a large number of measures slipped through unnoticed.[56]

Reformers in China understood the constraints created by the official ideology. Waving the banner of such Western ideas as liberty and democracy in that political environment would only provoke conservatives and provide them with an opportunity to defeat reform.[57] When he began to reform the socialist economy, Deng Xiaoping himself felt it was necessary to avoid an ideological confrontation with conservatives

[54] Many arguments can be right and extremely sensible but not "correct," and the "correct argument" may not necessarily be a sensible one, especially to outsiders. To understand the real implication of the arguments made by reformers, they must be considered within the political context of their own society.

[55] Oliver MacDonagh, *Early Victorian Government, 1830–1870* (New York: Holmes and Meier, 1977), 8–9.

[56] Ibid., 9.

[57] Rather than openly advocating abandoning the socialist system when they started the reform process, reformers in China emphasized the instrumental benefits of reform measures. A good example is the struggle of the late 1970s between the "whatever faction" and the "practice faction," which led to the demise of Hua Guofeng, the chairman of the Communist Party of China (CCP). Members of the whatever faction tried their best to turn the debate between themselves and veteran leaders represented by Deng Xiaoping into an ideological one. They knew that by arguing for complying with orthodox ideology, they were guaranteed to win. For their part, Deng Xiaoping and his allies, with the strong support of the general populace and powerful figures in the army, tried very hard to shift the debate with the leaders of the Cultural Revolution from an ideological one to an instrumental one. Their slogan—practice is the sole criterion of truth—was designed to effect this shift. Maurice Meisner, *Mao's China and After: A History of the People's Republic*, rev. ed. (New York: Free Press, 1980), 448–65.

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in the party.[58] In arguing for political reform, he emphasized the instrumental functions of elections and suggested that such reform was designed for "the development of socialist democracy."[59] We expect that reformers in the MCA, too, will try to avoid ideological debate and will instead emphasize the instrumental functions of elections.

Second, because the MCA does not have direct control over provincial BCAs, reform by decree will not work in China. To persuade local bureaucrats to cooperate with the MCA, reformers need to find ways to change the incentive structure of local bureaucrats. Since the personal and bureaucratic interests of those bureaucrats are usually nonidentical, the MCA may manipulate such differences to persuade local cadres to circumvent the bureaucratic barrier to carry out reform.

Third, the opponents of reform in the Chinese government are stronger than the proponents of reform. But the reformers understood that the "the balance of forces in any conflict is not a fixed equation until *everyone* is involved." Thus, a simplistic calculus of a static balance of power could not provide them with much guidance. Unlike most other people, they were confident that China's peasants would be interested in electoral reform, as long as they could be shown that elections would bring them important tangible benefits. Reformers in the MCA also believed that Chinese peasants were capable of choosing their own leaders by popular vote. Thus, finding a way to reallocate power by managing the scope of conflict is the key to their success.[60] The reformers used two strategies to achieve such a goal: (1) they worked hard to stimulate the political interests of the "uninterested" spectators, that is, ordinary peasants, and recruit them to the implementation process; and (2) they created a situation of path dependency to reduce possible opposition. As the case of village elections shows, the early stages of successful reform were marked by small steps that reveal no coherent strategy or long-term plan. Once the system is opened by top leaders and the reform process begins, each step is so arranged as to appear to be a natural response to unforeseen consequences of the initial reform brought about by previous policy.[61]

[58] His famous cat theory was clearly aimed at avoiding ideological debate with his political enemies. After 1989 he openly suggested putting such debate aside and concentrating on economic development to safeguard economic reform.

[59] Rural Desk, Department of Grassroots Administration of the Ministry of Civil Affairs, ed., *Textbook for the Study of Village Self-Government* (Beijing: Ministry of Civil Affairs, 1991), 90.

[60] E. E. Schattschneider, *The Semi-Sovereign People* (New York: Holt, Rinehart and Winston, 1960), 3–6.

[61] Naughton found such a strategy to be the key to the success of the economic reforms in China. See Barry Naughton, *Growing Out of the Plan: Chinese Economic Reform, 1978–1993* (New York: Cambridge University Press, 1996), 309.

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And fourth, because no single decision is determinative in the policy process, bargaining and consensus building are required at each step of the way to implementation. Even if reformers managed to push through a comprehensive package, local bureaucrats would still be able to exert their influence to destroy their designs at the implementation stage.[62] Without proper enforcement mechanisms, reformers could rely only on institutional dynamism to win over their opponents. Since institutions themselves are objects of contention in incremental reform, reformers can win political advantage by relying on time to transform structural parameters—that is, by waiting.

The next two sections use the implementation process of the Organic Law to illustrate how Chinese reformers manipulated constraints defined by institutional settings in their society to circumvent much stronger opposition to bringing elections into rural China.

Incremental Policy Implementation: Stage 1

From the start reformers in the MCA clearly eschewed ideological debates. When the implementation process formally began after June 4, 1989, instability in the countryside was one of the regime's major concerns. Realizing that suggestions which helped the regime resolve practical problems could be more readily accepted by political leaders, reformers played on the regime's vulnerability and emphasized the instrumental function of elections. Thus, in each of his public speeches, Wang Zhenyao stressed that introducing elections into rural China could diffuse peasant dissatisfaction and head off local rebellions. In study materials for local election officials, the MCA described elections as a cure for all that ailed the Chinese village and a guarantee of long-term stability.[63] Similar to his predecessors in nineteenth-century England, Wang argued that the reform was an application of socialist principles.[64] Examination of public and internal documents put out by the MCA shows that whenever reformers talked about democracy, they made sure to use the term "socialist democracy."[65]

[62] For strategies used by local bureaucrats to change the essence of policy made by the central authorities, see, among others, McCormick (fn. 2), 145–54; idem, "China's Leninist Parliament and the Public Sphere," in McCormick and Unger (fn. 24), 29–53; and O'Brien (fn. 3).

[63] Research Group on the System of Village Self-Government in Rural China and the China Research Society of Basic-Level Governance, *The Report on Village Representative Assembles in China* (Beijing: China Society Publishing House, 1995), 58.

[64] Wang Zhenyao, "Woguo nongcun de lishibiange yu cunminzizhi de biran qushi," Rural Desk (fn. 59), 41.

[65] Research by Kelliher on the debate over elections also found that all arguments made by the reformers in the public discussions concentrated on instrumental benefits. They argued that elections

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The cooperation of officials in the provincial BCAs was necessary to overcome provincial opposition to the reform. Although the Organic Law and the 1990 document no. 19 required that village elections be held, the BCA officials still looked to provincial leaders for guidance.[66] To induce their cooperation, special incentives had to be created to change the cost-benefit calculations of those officials. To this end, the MCA allocated scarce resources to send officials in BCAs abroad to "study" self-government and observe elections. For officials in Beijing a trip abroad was nothing unusual, but for department heads at the provincial level, let alone for cadres at the prefectural and county levels, the opportunity to visit foreign countries is rare. At several conferences attended by heads of provincial BCAs, leaders of the MCA announced publicly that if elections in the provinces met their standards, the bureau chiefs would have the opportunity to go abroad to study in order to further improve their work. Although we should not overestimate the impact of such visits, the strategy works well in eliciting the cooperation of BCA officials.[67]

Below the provincial level, many prefectural, county, and township leaders—and of course many village officials—opposed competitive elections, fearing the unknown.[68] A careful analysis of the balance of power between proponents and opponents of reform led officials in the MCA to conclude that their only chance at that time was to slip reform through unnoticed.

Because the Organic Law had been passed by the NPC, it was hard for the opponents of reform to argue openly against it. They could, however, claim special hardship in their localities and ask for a delay in holding elections, or they could turn the elections into single-candidate processes that would not threaten their power. Aware of these tactics, reformers in the MCA decided to divide the reform process into two stages. The goal of the first stage was to persuade local officials to

could bring stability to rural China, help local cadres to enforce government policy, prevent peasants from rebelling, and defend the regime against foreign criticism on human rights violations; see Kelliher (fn. 2), 63–86.

[66] As in implementing other government policies, in provinces where the major leaders supported the reforms, officials at the bureau tended to push hard for rural elections. In provinces where major leaders were indifferent, the attitudes of the officials at the BCA would become critical for the implementation of the Organic Law. In provinces where major leaders were hostile to the Organic Law, the BCA officials could scarcely carry out their mission.

[67] Author interview with officials of the Department of Grassroots Administration, Ministry of Civil Affairs, Beijing, July 1995. As of 1995, the MCA had sent all the leaders from model counties abroad.

[68] Not all local officials opposed elections. During the period of peoples communes, elections were held in some rural areas. See Xueju Li, "Zhongguo nongcun jicengzuzhi cuimin weiyuanhui," in Rural Desk (fn. 59), 249–52.

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organize elections; the second stage sought to improve them.[69] The political logic of such a design was to lock local bureaucrats into elections before the full implications of elections for their own positions became apparent. Underlying this strategy was the reformers' trust in the peasants. They believed that institutional evolution would gradually mobilize peasants to defend their interests. Once peasants learned they could get certain tangible benefits from competitive elections, reformers believed, they would not stand for electoral manipulation. Only then would the type of manipulation tolerated at the early stages of the reform be corrected.[70] As Wang Zhenyao told the author in an interview later on:

> We knew there were strong incentives for local bureaucrats to manipulate elections. But no matter what we did at that time, there was no way for us to prevent such manipulation from occurring. This is not to say that we didn't care about election manipulation. We did care. But we had a more serious problem to deal with at that time. Officials in our provincial bureaus had to deal with the opposition of their provincial governments, especially the opposition of leaders at the prefectural and county governments. If the standard were set too high, there would be open confrontation between officials in the civil affairs system and leaders in prefectural and county government who could always veto the proposed reforms. To reduce opposition, we asked our provincial bureaus to seek support from their provinces to hold elections for village committees but did not worry about the quality of the elections. We were confident that ordinary peasants would be mobilized by the electoral reform to defend their own interests. We therefore instructed our local bureaus to do only two things. The first was to make sure to organize elections and the second was to honor the results of those elections.[71]

Of course, we should not simply accept the claims of reformers at face value. Besides the "art of the possible,"[72] an equally plausible explanation of their behavior is that the reformers really wanted to help the CCP consolidate its power and to avert foreign criticism, rather than

[69] Author interview with officials in the Department of Grassroots Administration, Ministry of Civil Affairs, Beijing, July 1995.

[70] When I first contacted the organization responsible for implementing the law in 1989, one official told me this strategy was designed by them to implement the Organic Law. I found this explanation so implausible that I refused to meet their leader, Wang Zhenyao. At that time, I believed they never seriously considered bringing democracy to rural China but only wanted to fool outsiders. Author interview with an official in the Rural Development Research Institute, Beijing, April 1989.

[71] Author interview with Wang Zhenyao, Beijing, July 1995.

[72] This echoes the argument made by historical institutionalists that preference formation should be treated as endogenous. See, among others, Suzanne Berger, "Introduction," in Suzanne Berger, ed., *Organizing Interests in Western Europe* (Cambridge: Cambridge University Press, 1981); Peter Hall, *Governing the Economy: The Politics of State Intervention in Britain and France* (New York: Oxford University Press, 1986); Peter Katzenstein, *Between Power and Plenty: Foreign Economic Policies in Advanced Industrial Societies* (Ithaca, N.Y.: Cornell University Press, 1978); Theda Skocpol, *The State and Social Revolutions* (New York: Cambridge University Press, 1979).

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trying to change the nature of the regime from within. Because the implications of these two explanations for our understanding of Chinese reform are fundamentally different, we need a full assessment of the reformers' intentions. For now, however, we assume that their purpose was to bring competitive elections into rural China and thereby change the political process in grassroots administrations.

As expected by the reformers, when elections were first introduced in the villages, cadres tended to treat them as a formality. Voters did not pay too much attention to them either. In this sense, both cadres and peasants chose their strategies on the basis of incomplete information. But peasants in some of the villages where the cadres were especially corrupt decided to try to defeat them by voting. Local officials usually balked at the results and did not want to honor them. Since this situation occurred in only a small number of villages, local civil affairs bureaus were able to persuade township and county leaders to sacrifice the losers to avoid further trouble. To help them, the MCA sent out cadres to observe the elections. The cadres ignored election manipulation by local cadres but insisted that the election results be honored to preserve the stability of the country.[73]

The news that corrupt officials in certain villages were voted out of office spread through townships and, sometimes, the county and the prefecture. When people in other villages learned that these elections could indeed make a difference, they indicated their intention to express their opinion in the next election. According to officials in the MCA, most villagers did not pay attention to the first round of elections, but some become interested the second time, and by the third time many actively participated.[74]

When more incumbents had been voted out of office, conservative local bureaucrats woke up to the threat and wanted to bring an end to elections. By then, however, elections had won acceptance among the peasants. Once people had tasted democracy, local officials would have a hard time taking away the right to vote. Thus, to manipulate elections, conservative officials could do little more than control the nomination of candidates. When semicompetitive elections became widespread in 1993, electoral manipulation also intensified.

As anticipated by the reformers, institutional dynamism brought about two other changes by that time. One is that some local bureau-

[73] Author interview with officials in the MCA, Beijing, May 1996.

[74] Author interview with officials at the Rural Desk, Department of Grassroots Administration, MCA, Beijing, July 1996.

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TABLE 1
CAMPAIGN ACTIVITIES IN RURAL CHINA

Activities	*Percentage*	*Number*[a]
Attending campaign meetings	54.2	724
Nominating candidates	17.0	227
Persuading others to attend campaign meetings	14.9	199
Recommending candidates when asked	12.4	166
Complaining elections are unfair	5.2	69
Persuading others to nominate candidates	4.7	63
Persuading others whom to vote for	2.9	39
Mobilizing others to boycott elections	1.8	24
Persuading others whom not to vote for	1.4	19
N=1,336		

SOURCE: National Survey on Political Participation and Political Culture (1993).

[a] The N includes only those who claim that their village held semicompetitive elections for people to choose their leaders, not the whole rural population in China.

crats changed their attitude toward elections. Many county officials realized that elections increased the governability of local government and some of them began to support reform. The other is that peasants now joined in the struggle: realizing that elections had a bearing on their welfare, many began to nominate their own candidates to challenge local bureaucrats. Some of them even lodged complaints with higher authorities about election fraud.[75] These developments drastically changed the balance of power between proponents and opponents of reform.

Based on a nationwide survey, Table 1 examines the scope and intensity of campaign activities and complaints about election manipulation in the second round of elections, which were held in 1992–93. More than half of the voters reported having engaged in at least one form of campaign activity. Excluded from the analysis are "easy" campaign acts like attending meetings. Twenty-five percent of villagers engaged in at least one "difficult" campaign activity, usually at the

[75] For Western research on appeals of ordinary Chinese to higher authorities, see, among others, Tianjian Shi, *Political Participation in Beijing* (Cambridge: Harvard University Press, 1997). Kevin O'Brien and Li Lianjiang called such behavior rightful resistance; see Li and O'Brien, "Villagers and Popular Resistance in Contemporary China," *Modern China* 22, no. 1 (1996); and O'Brien, "Rightful Resistance," *World Politics* 49 (October 1996). For peasant reports of election manipulation, see, among others, Research Group (fn. 1), 104–9; Yihua Bai and Wang Zhenyao, *Zhonghuarenmingongheguo cunminweiyuanhui xuanjugongzuo fanli* (The guiding example of elections for villagers' committees of the People's Republic of China) (Beijing: Social Publishing House, 1996), 160–66.

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nomination stage.[76] The table shows that 17.0 percent of voters took the initiative to nominate candidates and 12.4 percent responded to authorities who solicited their opinions on candidate selection.

The enfranchisement of peasants changed the institutional setting facing reformers. Even though there was still no institutionalized enforcement mechanism to guarantee that elections were clean, the MCA could rely on the rural populace to monitor the behavior of local bureaucrats. With more than 5 percent of respondents reporting that they had lodged complaints about election fraud, manipulators now had to fear ordinary citizens.

Incremental Policy Implementation: Stage 2

In 1993 a majority of villages in China held elections for village officials. As more and more village incumbents were voted out of office, elections in many places had begun to jeopardize rather than enhance the power of local CCP organizations. How reformers in the MCA behaved at that time can help us to discern their real intentions. If they wanted to promote democracy, they would continue to push for reform. On the contrary, if they only wanted to help the regime for propaganda purposes, they would stop further reform measures.[77] Careful examination of the reformers' behavior at this juncture reveals that they tried to push additional reforms, in hopes of further changing the CCP from within, rather than stopping the reforms to help local CCP machines consolidate their power.[78]

As growing numbers of elected officials came from outside the party, officials in the MCA began vigorously pushing electoral reform to its second stage. In a change of policy, the MCA no longer tolerated electoral fraud and instead embarked on a campaign to stamp it out. Large

[76] For figures in the United States, see Sidney Verba and Norman Nie, *Participation in America: Political Democracy and Social Equality* (New York: Harper and Row, 1972). For figures in other societies, see Sidney Verba, Norman H. Nie, and Jaeon Kim, *Participation and Political Equality: A Seven Nation Comparison* (Cambridge: Cambridge University Press, 1978).

[77] Kelliher worries that if self-government does not produce the right leaders, the right levels of training, taxes, and birth—or if its usefulness outside China as a public-relations trinket should subside—then what would the proponents of democracy do? Following their own logic in the published debate, they would abandon democracy and search for something else or some other instrument that works. See Kelliher (fn. 2), 35.

[78] One may still argue that those elections help the CCP to consolidate its power. Even if elections voted a lot of incumbent officials out of office, the thinking goes, if the CCP were clever enough, it could always accept the newly elected officials as members and thus consolidate. We disagree with such an argument. If that happens, we would find that reformers had achieved a silent revolution, i.e., to transform the CCP from a Leninist party to a different kind of party. That would represent a major political development for the country.

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numbers of complaints about electoral manipulation enabled the MCA to argue convincingly that such manipulation had begun to hinder the stability of the villages. Such arguments helped them implement four new initiatives to curb election fraud.

In response to reports of violations of the election law, the MCA, first, ordered its local agents to intervene on behalf of peasants. The ministry ordered its local bureaus to enforce exiting rules aggressively, to prevent incumbents from manipulating elections.

Second, the MCA began to lobby provincial people's congresses to amend existing provisions so as to close up loopholes used by incumbents to manipulate elections. They formally proposed making violations of the electoral law a criminal offense.[79]

Third, they tried to mobilize peasants to monitor election fraud. Students of Chinese politics noticed that an effective way for political actors to advance their interests is to find an existing government policy favorable to them and press local bureaucrats to implement it. Thus, an effective way to mobilize the peasantry to oversee election fraud was to supply them with ammunition. To this end, the MCA openly published formal documents demanding that election officials curb electoral manipulation.[80]

Finally, the reformers in the MCA began to reform the nomination procedures. During a conference of chief executives of the provincial BCAs, Wang Zhenyao announced that the selection of candidates through consultation should no longer be allowed in village-level elections. He argued:

> The main problem is that the consultation process is too vague and restriction is not strong enough. To reduce the large number of candidates after the initial round of nomination to the rather small number of formal candidates is a very difficult process. . . . How can the formal candidates be selected out of those to be eliminated without a contest of votes? If the consultation process lacks transparency, corrupt behavior would have a chance. Therefore, mca believed that in the process of determining formal candidates, a preelection is needed. . . . All the proposed candidates should be left to the voters to decide through a vote and those who win the largest number of votes should become formal candidates.[81]

The MCA formally endorsed the method of nomination that combined candidate self-recommendation with villager recommendation.[82]

[79] Research Group (fn. 1), 166.

[80] Yihua Bai and Wang Zhenyao (fn. 75), 160–62; Research Group (fn. 1), 105–9.

[81] Research Group (fn. 1), 75, emphasis added.

[82] In two conferences I participated in, one in 1995 and the other in 1996, I found that officials of the MCA put their primary effort into persuading officials from different provinces to institutionalize

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> Under the political system in which the Communist Party is the ruling party, political organizations should not be allowed to nominate candidates in village-level elections. Only one method, the combination of self-recommendation and villagers' recommendations is the most suitable method. . . . Only when the villagers can judge for themselves which candidate management plan is superior can they improve their ability to select the most capable people as village leaders. . . . If democracy is not practiced in full in the nomination of candidates, if the traditional appointment method is used on the basis of subjective preferences and if candidate initiative is not stimulated, the election will inevitably be a formality.[83]

To promote the new nomination procedure, the MCA set up model counties. In 1994 it designated Lishu County in Liaoning Province as one such place. In Lishu County candidates are nominated by villagers through nomination ballots (*haixuan*). Among the nominated, the formal candidates were selected through a primary, rather than by "democratic consultation." The authorities did not intervene at all during the nomination process. Candidates were also encouraged to campaign before election day. A widely circulated document described the Lishu experience as a major breakthrough and called on other provinces to learn from it.[84]

These moves appeared as a natural response to an emerging problem and seemed to be designed to help the authorities preserve stability in the countryside. But they were well-planned measures thought out in advance to achieve long-standing goals.[85] Once the reformers were convinced that developments in rural China had made it almost impossible for conservatives to roll back the electoral reform, they began to enroll foreign participants to acquire resources crucial for implementation of the Organic Law and to further the changes in the balance of power.[86]

To our knowledge, the central government did not allocate funds to the MCA for the purpose of implementing the Organic Law. In the early stages of the reform, money for organizing elections came exclusively from provincial budgets. Beginning in 1993 the MCA sought financial support from foreign foundations for such purposes as organizing

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the nomination process. In those provinces where election laws permitted the Communist Party and other political organizations to nominate candidates, they even pressed to amend the law.

[83] Research Group (fn. 1), 74–75.

[84] Yihua Bai and Wang Zhenyao (fn. 75), 59, 215–29.

[85] In an interview with officials in the MCA in the early 1990s, I asked them why they did not issue a document to curb election manipulation. They told me that they planned to do so but had to wait for the right time. Author interview with officials of the MCA, Beijing, 1993.

[86] The reformers believed that only when they had achieved some limited success would they be able to persuade foreign participants to get involved.

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conferences for provincial BCA leaders, printing election posters and other materials, and sending BCA officials abroad to observe elections.[87] The Ford Foundation was the first to make a grant to the MCA, followed by the Asian Foundation, the International Republican Institute (IRI), and the United Nations Development Program (UNDP). Without this outside money, many innovative MCA projects could not have been started.

Reformers also played the international card to overwhelm their political enemy. This is hardly new to people in the MCA. In fact, economic reformers in the mid-1980s had used the same strategy.[88] When foreign criticism of human rights in China intensified after 1992, officials in the MCA tried to use such pressure to push reforms. Kelliher found that in debates over village self-government reformers emphasized the possibility of neutralizing outside criticism and improving China's international reputation.[89]

Promoting the elections with foreign audiences helped improve China's international image.[90] But mounting evidence suggests that for the reformers foreign propaganda was less important than was effecting real internal change. MCA officials were candid with foreign journalists and academics about the problems in the election process. During an international conference on village elections sponsored by the Ford Foundation, the MCA sent foreign participants to a village where the election was merely a formality, in hopes of getting their advice on how to resolve the problem in the future.[91] Foreign foundation officers, academics, and journalists encountered no restrictions on what they could see and where they could go to observe elections. Officials of the MCA even encouraged reporters to go to places where the work of implementing the Organic Law was lagging.[92]

[87] At that time the MCA had achieved limited success in implementing the Organic Law. They were able to show such foundations that the elections in some places were real and convinced them they would not be throwing away their money if they decided to help.

[88] A good example familiar to most students of Chinese politics is the case of reformers in the Ministry of Foreign Trade who used GATT and WTO applications to press for faster reform in many areas and to legitimate China's reformist policies. See William R. Feeney, "China and the Multilateral Economic Institutions," in Samuel S. Kim, ed., *China and the World*, 3d ed. (Boulder, Colo.: Westview Press, 1994), 242.

[89] Kelliher (fn. 2), 75–78.

[90] On their recent trip to China, both Gore and Gingrich cited rural elections as an indicator of positive development in China.

[91] This happened after an international conference on village elections held in July 1995. The scholars, journalists, and foundation officials visited a village in suburban Tianjin. Because it is a rich village, there was no incentive for peasants there to change their leaders. And because there was little chance of defeating incumbents, there was little incentive for anyone in the village to challenge them. After foreign experts observed the elections, officials in the MCA openly sought their advice.

[92] Based on field observations as well as on interviews with journalists from Hong Kong, May 1996.

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As ammunition in internal debates MCA officials cited the opinions of foreign experts to support their proposals for reform. According to Lorraine Speiss, program officer of the IRI, the MCA took much of her advice for improving procedural arrangements of elections very seriously. Jonathan Hecht, a legal expert who served as program officer of the Ford Foundation in Beijing, played an important role in drafting regulations made by several provincial people's congresses to implement the Organic Law.

At a conference held in Fujian in 1992, Professor Kevin O'Brien of Ohio State University pointed out that regulations being considered by the provincial people's congress called for peasants to vote on a family basis. If the provisions were adopted, the principle of one person one vote would be replaced by one family one vote, which would be contrary to democratic principles because it would deprive women and elders of the opportunity to vote differently from the other members of their families.

MCA officials had already tried to persuade Fujian officials to change the provision in question, but local leaders emphasized the difficulty of mobilizing elders and women to vote and refused to cooperate. It was O'Brien's remarks at the conference that turned the discussion around. Reformers in the MCA cited his argument as a warning to local officials that if they did not change the provision, foreigners would label Fujian's elections as false democracy, which would jeopardize China's international image.[93] Provincial leaders were convinced and agreed to amend drafts of the provision before presenting it to the provincial people's congress for approval. Having successfully persuaded Fujian Province to honor the principle of one person one vote, MCA officials announced at the conference that officials from other provinces should make sure their provisions also specified that the vote belonged to each individual rather than to each family. Because of O'Brien's contribution, the MCA called the article specifying that elections be based on the principle of one person one vote "O'Brien's Law."[94]

Foreign participants were also critical players in the political struggle over the relationship between the party secretary and the chairman of the village committee. Although every Chinese village has a party branch, the major function of which is to supervise the work of the village committee, its leaders are not subject to any kind of oversight by

[93] Author interview with Wang Zhenyao, Beijing, July 1995. In a private conversation with the author, Wang mentioned the case several times, indicating that he thinks that the opinion of a foreign expert holds most sway with domestic audiences.

[94] Author interview with Wang Zhenyao, Beijing, July 1995.

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ordinary villagers. To resolve this problem, reformers would have to surmount both political and technical obstacles. As reform on this issue would unavoidably undermine party control over villages, any reform proposal would be liable to the charge of being antiparty. The technical difficulty is that it is hard to find a way for nonparty members to have a role in the selection of the party secretary. According to the charter of the CCP, party secretaries can be elected only by party members.

To resolve this problem, reformers in the MCA found that Hequ County in Shanxi Province had developed an experimental double-ballot system. Under this system, peasants were to cast two votes in village elections, one for the chairman of the village committee and the other for the party secretary. Even though the second vote was formally described as a public opinion poll (*minyiceyan*), party members who received less than 50 percent of the popular vote were disqualified from standing as candidates for village party secretary. Although the arrangement does not provide villagers with the political power to select party secretaries, it does allow them to veto candidates they dislike.[95] Even though the "Hequ experience" was well received by the ministry, no one dared to advocate that it be promoted nationwide.[96]

In a 1995 international conference on village self-government, Professor Jean Oi of Harvard University raised the issue in her keynote speech and called on the MCA to find a way to resolve it. Unless people had some influence in the selection of party secretary, she argued, elections would not be able to change the governing process in Chinese villages. This speech helped to break the barrier. Responding to her criticism, MCA officials asked officials from Shanxi to report the Hequ experience to the conference and suggested that bureau chiefs from other provinces employ the method in their own localities. The events looked like a natural response to foreign criticism aimed at defending China's international image. In fact, it was a well-orchestrated move by officials in the ministry. Even though Professor Oi herself was not involved in the planning, officials in the MCA had predicted that if she were given a chance to speak, she would raise the issue. They told the

[95] For the Hequ experience, see Lianjiang Li, "The Two-Ballot System in Shanxi: Subjecting Village Party Secretaries to a Popular Vote," *China Journal* (forthcoming).

[96] A famous episode involving the Gang of Four further complicated the issue. During the Cultural Revolution, in the early 1970s, Jiang Qing proposed nominating a nonparty member as secretary of a party branch in a village. When people reminded her that the nominee was not even a party member, Jiang was reported to have replied that for a party branch at the grassroots level, it did not matter whether the secretary was a member of the party. The story became a well-known political joke after two famous actors made the episode public in a talk show. Any subsequent suggestion to allow nonparty members to select a party secretary brought this incident to mind and was subject to ridicule. The MCA must still find a way to overcome this difficulty.

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author later that a foreigner giving voice to their ideas could neutralize their opponents' criticism.[97]

Conclusion

The case study of the implementation process of the Organic Law of Village Committees shows that just as institutional settings can be used by conservatives to resist reform, they can also be used by reformers to promote political change. While a static comparison of the balance of power between conservatives and reformers shows that the opposition of conservatives was formidable, Chinese reformers were able to achieve some success in implementing the Organic Law. Certainly the future of political reform in China is still far from assured, the strategy of reformers in the MCA is fragile, and the process could still be derailed. But the Fabian approach pursued by reformers has succeeded up to now, and the power of their opponents has been diminished.[98] Given the earlier balance of power between proponents and opponents of the reform, the success of the reformers to date would once have seemed unimaginable.

The key to their success lies in their strategic choice to handle Chinese reform incrementally. They divided the implementation process into two phases, so as to confront only one set of opponents at a time. Rather than trying to push for clean, fair, and fully competitive elections at the outset, reformers were willing to settle for manipulated elections in the first stage of the process and strive for improved elections only in the second stage.[99] Because institutions are objects of contention, they may change in ways that allow the forces of reform to gain strength over time. In the case of village elections, endogenous, reform-induced changes brought in new participants and changed the nature of political interaction. As the reforms continued, there were changes in the balance of power between proponents and opponents, in the options available to conservatives to resist reform, and in the opportunities available to reformers to pursue their goals. The enfranchisement of peasants enabled reformers to count on them to curb election manipulation at the second stage of the reform.

[97] The discussion is based on my observations at the international conference about rural self-government in China in 1995, as well as on my interviews with MCA officials in July 1995.

[98] Huntington (fn. 53), 346–62.

[99] What is crucial here is their deep commitment to democratic values as indicated by their confidence in the ability of peasants in rural China to determine their own fate. The controversial decision to allow dirty, noncompetitive elections at the beginning stage of the process was based on the reformers' confidence that people would understand the importance of the elections and actively participate in them.

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The findings of this article have important implications for the study of political reform in other societies. We have found that democratically committed midlevel officials may accelerate the wheels of history. While the sponsorship of national leaders was important to get reforms adopted, the success of electoral reform in China should be credited to the efforts of these midlevel officials. In addition, peasants are important forces driving electoral reform in China—a finding that challenges the widely accepted myth that peasants are the obstacles to democracy.

Experience in China also tells us that the winning strategy of political reform can only be formed endogenously. The preferences of reformers at each step of the reform and the strategies designed by them to pursue their goals were shaped by the institutional setting in which they operated, in particular, by the balance of power between proponents and opponents of reform but also by the rules of the game of the society in which they live. To understand reformers in other societies, their behavior needs to be analyzed in terms of its particular context. To assess a reform design, we need to know both the balance of power between proponents and opponents of reforms and the rules of the game in the particular society. That way we can evaluate whether reformers can take advantage of the rules of game to alter the balance of power to pursue their goals.

Our analysis clearly demonstrates that institutional analysis does not mean institutional determinism. Although institutions provide part of the political context in which political actors set goals and strategies, both conservative and reformist actors do not always correctly understand the constraints facing them. Even if they set their goals correctly and find the best strategy to pursue their goals, their opponents may also find critical points at which to protect their interests before it is too late. The intelligence, skill, and sophistication of political actors are key factors in their understanding of institutional constraints, their formulation of preferences, and their design of strategies to pursue their goals. For this reason, politics is an art rather than a set of rules to be applied mechanically.

Appendix: Sample Design

The data come from a survey conducted in China from September 1993 to June 1994 in cooperation with the Center for Social Survey of the People's University of China. The sample represents the adult population over eighteen years of age residing in family households at the time of the survey, excluding those living in the Tibetan Autonomous Re-

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gion. A stratified multistage area sampling procedure with probabilities proportional to size measures (PPS) was employed to select the sample.

The primary sampling units (PSUs) employed in the sample design are counties (*xian*) in rural area and cities (*shi*) for urban areas. Before selection, counties were stratified by region and geographical characteristics and cities by region and size. A total of forty-nine counties and eighty-five cities were selected as the primary sampling units. The secondary sampling units (SSUs) were townships (*xiang*) and districts (*qu*) or streets (*jiedao*). The third stage of selection was geared to villages in rural areas and neighborhood committees (*juweihui*) in urban areas: a total of 551 villages and neighborhood committees were selected. Households were used at the fourth stage of sampling. Data analyzed in this paper include all villages in the sample, as well as neighborhood committees in urban areas with more than 50 percent of residents holding rural household registration.

In the selection of PSUs, the National Population Databook was used as the basic material to construct the sampling frame.[100] The number of family households for each county or city was taken as the measure of size in the PPS selection process. For the successive stages of sampling, population data were obtained either from the Public Security Bureaus of the regions or from the Statistical Bureaus of local governments. At village and neighborhood committee levels, lists of household registrations (*hukou*) were obtained from police stations in urban areas and village committees in rural areas.

Retired high school teachers were employed as interviewers for most surveys. Although most people in China read and write standard Chinese, people in many provinces in the South speak varying dialects, some of which are extremely difficult for Mandarin speakers to understand. To deal with this problem, professional interviewers from the National General Team for Rural Surveys (*guojia nongcun diaocha zongdui*) who speak local dialects were hired to interview in seven southern largely dialect-speaking provinces. Interviewers were given formal training before the fieldwork.

Before the interview began, we sent letters to all the sampling spots to check whether there were any changes in addresses. We then removed all invalid addresses from our sampling frame and thereby eliminated the majority of noncontacts. The project scheduled interviews with 3,425 people and 3,287 of the prospective respondents contacted by interviewers answered our questions, for a response rate of 94.5 percent.

[100] Ministry of Public Security, *Zhongguo Chengxian Renko Tongji* (Population statistics by city and county of the People's Republic of China) (Beijing: Map Publishing House of China, 1987).

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MOBILIZING INTERNATIONAL NORMS
Domestic Actors, Immigrants, and the Japanese State

By AMY GUROWITZ*

AFTER a long period of relative silence, international relations scholars are beginning to talk about immigration and immigrants.[1] One important theme in these discussions has been the question of whether, and if so how, states are constrained in developing immigrant and immigration policies. On one side of this debate are scholars, largely outside of the field of political science, arguing that governments are constrained by international human rights standards in setting immigrant policy. Soysal, for example, argues that a postwar discourse on rights endows people, rather than just citizens, with rights and that this international discourse is propelling a trend toward international standardization of rights for noncitizens.[2] Similarly, Jacobson argues that citizenship has been devalued and that international

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[1] For example, between 1980 and 1995 *International Organization* and *World Politics* published only two articles on immigration. Since 1995 they have published four: Leah Haus, "U.S. Immigration Policy and Labor," *International Organization* 49 (Spring 1995); Christian Joppke, "Why Liberal States Accept Unwanted Immigration," *World Politics* 50 (January 1998); Anthony M. Messina, "The Not So Silent Revolution: Postwar Migration to Western Europe," *World Politics* 49 (October 1996); and Jeannette Money, "The Political Geography of Immigration Control," *International Organization* 51 (Autumn 1997).

[2] Yasemin Nuhoğlu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: Chicago University Press, 1994), 42, 131–32.

World Politics 51 (April 1999), 413–45

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rights standards are increasingly important for immigrants to make claims against states.[3]

Others in the debate focus on the domestic level of analysis. They argue either that states extend unexpected rights to noncitizens or that they allow unwanted migration (1) because of the influence of liberal ideals embedded in liberal democracies,[4] (2) because domestic courts and the rule of law force governments to apply their liberal constitutions to noncitizens,[5] or (3) because of specific historical relationships that create moral obligations between sending and receiving states.[6] Still others argue that decisions about immigrants have nothing to do with human rights or liberal ideals, but are made for narrowly defined interest-based reasons, for example, to please a small number of disproportionately powerful interest groups[7] or to maintain racial harmony.[8]

Scholars falling into both latter categories (domestic ideas approaches and rationalist interest-based approaches) tend to be skeptical of arguments focusing on the international level. Discussing the extension of rights to immigrants in a recent *World Politics* article, Joppke states that "[a]mong the global factors either absent or ineffective in this discussion has been the 'international human rights regime,' perhaps the single most inflated construction in recent social science discourse." He argues further that although an international human rights regime may indeed affect states, this has yet to be demonstrated. It is true that those asserting the importance of international human rights standards in immigrant policy have not sufficiently demonstrated their importance domestically. International norms and standards do not diffuse automatically or consistently across states. Soysal's study, as well as many others focusing on the importance of international standards, does not examine either the mechanisms and agents of norm diffusion or how that diffusion varies across time and place.[9] In short, the

[3] David Jacobson, *Rights across Borders: Immigration and the Decline of Citizenship* (Baltimore: Johns Hopkins University Press, 1996), 9. See also Saskia Sassen, *Losing Control?* (New York: Columbia University Press, 1996). On the impact of international norms more generally, see the contributions to Peter J. Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996).

[4] James F. Hollifield, "Migration and International Relations: Cooperation and Control in the European Community," *International Migration Review* 26, no. 2 (1992).

[5] Joppke (fn. 1), 281–87; and Hollifield (fn. 4), 222.

[6] Messina (fn. 1), 141–45; and Joppke (fn. 1), 271.

[7] Gary P. Freeman, "Modes of Immigration Politics in Liberal Democratic States," *International Migration Review* 24, no. 4 (1995).

[8] Messina (fn. 1), 147.

[9] It should be stressed that Soysal does look at difference across states, which in fact makes up the bulk of the book. The point is that those differences are in the policies themselves and are seen as resulting from domestic structures. They are not differences in how states react to international norms or in how they incorporate them, and they do not account for change across time. For another examination

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scholars sometimes referred to as "globalists" have examined the nature of these international standards and have noted correlations between these standards and state behavior, but they have not engaged in "detailed process tracing by which their soft power may become domestically effective."[10] Indeed, in Joppke's view, there may be little process to trace.[11]

This article addresses the gap between these scholars by using process tracing to examine changing policies toward both Koreans and recent migrant workers in Japan. Koreans have been blatantly discriminated against, officially and unofficially, since World War II. Recent migrant workers, while needed in Japan, are neither wanted nor encouraged to stay. For both groups discrimination has been wide-ranging across the economic, social, and political spheres. Discrimination is also very common in social relations, where since the war, for example, marriage between Westerners and ethnic Japanese has been more acceptable than marriage between Japanese and other Asian groups. As I will discuss below, companies have been loath to hire Korean permanent residents, social benefits have been restricted to Japanese citizens, and the naturalization process has been onerous. But discriminatory policies have been changing, albeit slowly and at the margins. International norms have played a critical role in these changes, both in the courts and in activist demands against the government. The role of international norms has been central in part because these standards have provided pro-immigrant actors with a tool to use in their arguments against the government in the face of domestic resistance to change.

Japan represents a hard case where we would not expect international norms to have a significant impact. First, Japan has been extremely resistant to compromising its notions of ethnic homogeneity. Even if not an accurate portrayal of Japanese society, the ideal of homogeneity is seen as contributing to Japan's economic success. Second, politics in Japan often focuses on the idea that Japan is unique in the international system and that the norms of that system do not accord

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of the role of domestic structures in the diffusion of norms, see Jeffrey Checkel, "International Norms and Domestic Institutions: Identity Politics in Post–Cold War Europe" (Paper presented at the annual meeting of the American Political Science Association, Chicago, 1995).

[10] Joppke (fn. 1), 269.

[11] Ibid. On the need for process tracing, see Martha Finnemore, "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* 50 (Spring 1996). Jeffrey Checkel argues that constructivists in general have failed to sufficiently examine agency, the causal mechanisms by which norms have domestic effects, and why norms diffuse differently. See Checkel, "The Constructivist Turn in International Relations Theory," *World Politics* 50 (January 1998).

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with Japanese domestic norms. Third, while I will not discuss this here, Japan sees itself as a powerful state that should be able to resist international norms if it wishes to do so. But international norms have mattered in Japan and continue to do so. Where there are few domestic resources available, international norms may have an impact on policy in direct and observable ways; but we need to explain the mechanisms and processes by which they do so, and why they matter when they do.

Before proceeding it is necessary to say what this argument is not. First, contrary to the oft asserted dichotomy between international and domestic levels of analyses, this is not about international versus domestic factors; it is, rather, about interaction. Domestic actors use international norms in specific domestic contexts to further their causes, and if those norms are to have any impact, states must incorporate them. In addition, while I do not address this here, governments are responsible for the development of most of these international norms in the first place. This is therefore not an argument about loss of control or the withering away of the state. States are not paralyzed by international norms. On the contrary, state actors are actively involved in the process of integrating international standards domestically. This is a critical point, because if we expect government officials to react to international norms as if they were guns pointed at their heads, we will see little influence. International norms can matter only when they are used domestically and when they work their way into the political process; the question of whether the influence is internal or external is therefore a distinction of limited use.

Second, this argument is not about international norms mattering everywhere all the time. The impact of international norms varies across time and place, and it is only through detailed process tracing that we can understand when and where they matter. Among other factors, variation is due to how the government views the international society in which these norms are embedded, and what the domestic politics about the issue-area in question are. My research on Germany, for example, finds that international norms have not played a direct role in recent policy-making toward immigrants. That said, if we look for the influence of international norms in a less direct way, we find a somewhat different story. Policy toward migrants in Germany is in a sense self-limited, as opposed to externally limited. But to account for change in a particular state over time we often need to examine how that self is transformed, at times under the influence of international norms. For example, the "emergent moral consensus among the political elites to cope humanely with the consequences of guest-worker re-

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cruitment" noted by Joppke is partly due to a select few elites being influenced by international and regional standards, whether they appear in written treaties or simply are norms commonly practiced in Europe.[12] These standards allow pro-immigrant actors to point out, for example, that Germany's policy of pure *jus sanguinis* is outdated. Yet in contrast to the Japanese case, the impact of international norms is broad and diffuse. It is difficult to attribute specific policy changes to international norms, and domestic explanations have proved more important. These differences in how international norms affect political debates in Germany and Japan are largely due to differences in how each state views the international society in which those norms are embedded.[13] Germany is more secure in its international and regional standing and can therefore more easily resist international norms that run counter to domestic ones (as these norms do in both states). Japan, as I discuss in this article, is engaged in debates about internationalization that leave it, somewhat paradoxically, more vulnerable to arguments invoking international standards.

In the remainder of this article I first discuss how norms matter. In the next section I examine their impact on Koreans, arguing that many of the changes toward Koreans made in the early 1980s are attributable to newly ratified international covenants. Finally, I examine changes toward more recent migrant workers.

International Norms and Domestic Context

I define norms as standards of appropriate and legitimate behavior. These norms may be consciously cultivated in international forums or result from common practice among states. A full description of the international human rights norms relevant for immigrants is beyond the scope of this article and here I simply draw attention to three categories of norms. First, general human rights and antidiscrimination norms, because they tend to apply to persons, not only citizens, are relevant to immigrants.[14] Second, there are norms aimed specifically at minorities.

[12] Joppke (fn. 1), 286.

[13] This article is part of a larger project examining the impact of international human rights norms on immigrant policy in Germany, Japan, Canada, and Malaysia. In this project I argue that we can understand variation in the impact of international norms only by examining how those norms are mobilized by domestic actors and how their impact is mediated by specific state histories and identities. While the amount of detailed process that can be discussed in this article is limited by space, more detail can be found in this larger project. Gurowitz, "Mobilizing International Norms: Domestic Actors, Immigrants, and the State" (Ph.D. diss., Cornell University, 1999).

[14] Soysal (fn. 2), 41. Important international agreements include the Universal Declaration of Human Rights, the two UN Human Rights Covenants, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women.

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While many minority rights norms are geared toward national minorities, not immigrant groups or migrant workers, a number of them are relevant in that they address general factors such as assimilation versus cultural pluralism, and the broader issue of how the state incorporates difference.[15] Finally, there are norms aimed specifically at migrant workers.[16]

Shifts in norms, whether domestic or international, can make room for new voices by altering contexts and making new types of action possible. For example, in the absence of any norms about women's rights, women's claims about sexual harassment cannot be heard. Once norms are developed stating that women have a right to not be harassed, women's claims can be heard as coming from legitimate voices.[17] Pro-immigrant actors, potentially including nongovernmental organizations (NGOs), academics, lawyers, and the media, use these international norms to further their causes and to pressure governments to change their policies and approaches toward immigrants.[18] In addition, state actors may be involved, although the extent and form of their involvement varies across countries. As I discuss below, in the Japanese case local government bureaucracies have often allied themselves with local activists. At the national level the Ministries of Foreign Affairs and Labor (MOFA and MOL) have at certain times invoked international norms, although their concerns have tended to be more narrow than those of NGOs and not directly related to immigrant rights per se. During the late 1980s, for example, the MOFA was concerned with international reputation and the MOL was concerned with the growing demand for labor. In many other countries, including Germany, there is a national government office devoted to immigrant rights and integration, and state actors in these offices may play a role similar to that of NGOs (that is, pressuring other, more powerful state actors).[19]

[15] See, for example, article 27 of the International Covenant on Civil and Political Rights.

[16] Two of the most important international documents for migrant workers are International Labor Organization Convention 143 and the Council of Europe Convention on Migrant Workers. The recent UN Convention on the Rights of Migrant Workers and Their Families has had little impact, as very few states have ratified it.

[17] Finnemore makes a similar argument when she states that nonwhite and non-Christian states can now make claims that they previously could not because they were not viewed as legitimate actors. See Martha Finnemore, "Constructing Norms of Humanitarian Intervention," in Katzenstein (fn. 3).

[18] The media first picked up the issue of migrant rights in the mid-1980s, when they began reporting on undocumented, often female, migrants. By 1988 they were reporting more widely on a variety of migrant issues. See Masami Sekine, "Guest Worker Policies in Japan," *Migration* (September 1991), 54; and Marilyn Selby, "Human Rights and Undocumented Immigrant Workers in Japan," *Stanford Journal of International Law* 26, no. 1 (1989), 354.

[19] This article offers no theory regarding when state versus nonstate actors will mobilize international norms. In the cases examined in my larger project, differences depended on which government offices were involved in immigrant issues. One avenue to answer the question of when state versus

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Norms not only legitimate the causes that activists such as NGOs fight for, they may actually legitimate the actors themselves. David Martin argues that between 1945 and the 1970s United Nations pronouncements on human rights were routine and were not widely expected to have any real impact on government practice.[20] Nonetheless, these pronouncements and documents can now be invoked in NGO claims against governments, sometimes lending support to those claims. These standards "transform the NGO from a busybody unjustifiably poking its nose into someone else's business into a steward of agreed international principles, simply asking questions or pressing points it has a right to care about."[21]

But while international norms are often a critical source of ideas for change in state policy, there is a great deal of variation in their impact. In order to understand this variation we need to go beyond correlating international norms with state behavior, to detailed process tracing examining the domestic mechanisms by which norms have effects. This involves two moves: first, a focus on the actors who mobilize international norms; and second, an examination of the specific domestic circumstances that those actors confront. Pro-immigrant activists use international norms as they use other tools at their disposal. But they do so only when they believe that those norms will enhance their arguments. In Malaysia, for example, where invocation of international norms often results in activists being accused of being pawns of the West, those activists may need to turn to other, more indigenous resources. Only by examining the dynamics of activism and the standing of international norms with the government can one illuminate the ways in which activists in Malaysia are at the same time empowered by those norms in their internal workings and constrained in their dealings with the government.

It might be argued that the use of international norms to back NGO arguments is unsurprising, since it may be the case that activists will use

nonstate actors will be involved lies in the work of a number of authors who have begun examining the interaction between transnational variables and domestic structures. Checkel, for example, argues that a state's domestic structure shapes who the agents of normative change will be (societal pressure or elite learning) and what the likelihood of norm institutionalization will be. For a related study, see Risse-Kappen's examination of two variables that help determine the impact of transnational movements: the degree to which an issue-area is institutionalized internationally and a state's domestic structure. See Checkel (fn. 9); and Thomas Risse-Kappen, "Bringing Transnational Relations Back In: Introduction," in Risse-Kappen, ed., *Bringing Transnationalism Back In: Non-State Actors, Domestic Structures and International Institutions* (Cambridge: Cambridge University Press, 1995).

[20] David A. Martin, "Effects of International Law on Migration Policy and Practice: The Uses of Hypocrisy," *International Migration Review* 23, no. 2 (1989), 552.

[21] Ibid., 554.

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any argument that works.[22] While perhaps not surprising from this perspective, the fact that international norms provide an additional weapon in the arsenal of claims that activists (be they NGOs, lawyers, and so on) can make and the fact that they sometimes work are not trivial points for a number of reasons. First, the invocation of international norms and the success of such invocations vary across time and place, and that variation warrants investigation. Second, it should be noted that the success or failure of relatively weak actors, those with access to few material incentives, will often hinge on how powerful an argument they can make from a moral standpoint or from the standpoint of a government concerned with reputation. In short, the fact that international arguments are often among the most powerful arguments that these actors can make is significant. Finally, this is a relatively recent development, at least as a reasonably widespread phenomenon, and it is often downplayed in the literature because it has not been adequately explored.

Immigrant activists in Japan face a government that is quite resistant to integrating immigrants, as well as to international norms calling for increased rights and integration. This is the case for two reasons, both rooted in Japanese history. First, Japan is ethnically, racially, and linguistically much less diverse than most other countries in the world (see Table 1). More importantly, the notion (as a description and an ideal) of Japan as a homogeneous nation based on racial identification has been actively promulgated since the Meiji period, as has the view that uniqueness (*Nihonjinron*) and homogeneity are important factors in the success of the Japanese state.[23] Myron Weiner argues that the Japanese emphasize their uniqueness, as do Americans, but while the latter's conception of uniqueness "is universalism (others can be like us), the Japanese sense of uniqueness is a denial of any universal mission (no one can be like us)."[24]

As Yoko Sellek points out, lineage and race are seen as the primary determinants of Japaneseness.[25] Definitions of statehood are rarely ex-

[22] One reviewer made this argument with regard to court cases.

[23] On the building of Japanese nationhood, see especially Carol Gluck, *Japan's Modern Myths* (Princeton: Princeton University Press, 1985). On the importance of the ideal of homogeneity in the context of immigration, see Yoko Sellek, "*Nikkeijin:* The Phenomenon of Return Migration," in Michael Weiner, ed., *Japan's Minorities: The Illusion of Homogeneity* (London: Routledge, 1997); and Millie Creighton, "*Soto* Others and *Uchi* Others: Imaging Racial Diversity, Imagining Homogeneous Japan," in Weiner.

[24] Myron Weiner, "Opposing Visions: Migration and Citizenship Policies in Japan and the United States," in Myron Weiner and Tadashi Hanami, eds., *Temporary Workers or Future Citizens* (New York: New York University Press, 1998), 7.

[25] Sellek (fn. 23), 201.

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TABLE 1
FOREIGN POPULATION IN SELECT OECD COUNTRIES

Country	*Foreign Population as % of Total Population as of 1996*
Austria	9.0
Belgium	9.0
Denmark	4.7
Finland	1.4
France	6.3
Germany	8.9
Ireland	3.2
Italy	2.0
Japan	**1.1**
Luxembourg	34.1
Netherlands	4.4
Norway	3.6
Portugal	1.7
Spain	1.3
Sweden	6.0
Switzerland	19.0
United Kingdom	3.4

SOURCE: SOPEMI, *Trends in International Migration: Continuous Reporting System on Migration* (Paris: OECD, 1998).

pressed in Japan. Rather, the state is considered the extension of the family and local community, the expression of a grouping based on common blood, language, and culture. Of course the Japanese state does not consist of a homogeneous group. Not only are there recent immigrants like Koreans and a variety of Asian migrant workers, but Japan was a colonial power (from 1895 to 1945 in Taiwan and from 1910 to 1945 in Korea) with experience in both diversity and, to some degree, intermarriage.[26] Finally, there are indigenous minorities like the Ainu and racialized groups like the Burakumin. As Millie Creighton points out, "Japan's self-assertion of an imagined homogeneous self maintains its minorities in a living contradiction."[27] However, it should be noted that the majority of Japanese, as well as the government, consider the Ainu and Burakumin to have been incorporated into the Japanese homogeneous nation (although they are still discriminated

[26] Japanese imperialism mirrored Western imperialism in its "civilizing" mission and its use of unequal treaties and other policies used by the West in Japan. The Sino-Japanese War, out of which the Japanese received Taiwan, is said to have put Japan on the imperialist map.

[27] Creighton (fn. 23), 213.

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against).[28] Because the government does not consider these groups to be of a different "race," it has frequently denied the existence of minorities in the country.[29]

Second, for reasons involving the history of Japan's entry into international society, the Japanese state is reluctant to engage fully in international society and its norms.[30] In comparison with most other industrialized states, Japan identifies relatively weakly with international society, working with "core" members but seeing itself as somewhat removed from them. The government engages only hesitantly in international activities (although this is slowly changing) and it is less committed to multilateralism than many other developed states.[31]

As a result, Japan does sometimes adopt international norms wholeheartedly, but it does so not because it sees those norms as relating to domestic politics or as a natural extension of Japanese domestic norms. Rather, adoption of norms is seen as the necessary price of existence in the outside world. When those norms clash with domestic norms, however, or when external pressure is not sufficiently strong, the government is reluctant to adopt them.[32] Furthermore, even when international norms do not clash significantly with domestic norms, the government still often does not adopt them, simply because the international arena is not an intuitive or obvious place for the government to look in developing domestic policy. While there are a number of examples of the Japanese government being influenced by international norms, Japan's ratification rate for international agreements on human

[28] The Burakumin are of the same lineage as other Japanese but are a minority group because of their historic status as outcasts.

[29] For example, in response to a UN call for the elimination of discrimination against minorities, the government stated that there were no minorities in Japan and therefore no discrimination. Creighton (fn. 23), 227.

[30] I discuss Japan's international identity at length in my dissertation; Gurowitz (fn. 13). See also Peter J. Katzenstein, *Cultural Norms and National Security: Police and Military in Postwar Japan* (Ithaca, N.Y.: Cornell University Press, 1996); Kent E. Calder, "Japanese Foreign Economic Policy Formation: Explaining the Reactive State," *World Politics* 40 (July 1988); Peter Duus, *The Rise of Modern Japan* (Boston: Houghton Mifflin Company, 1976), 255; Takashi Inoguchi, *Japan's Foreign Policy in an Era of Global Change* (London: Pinter Publishers, 1993), 65; and Masaru Tamamoto, "The Ideology of Nothingness: A Meditation on Japanese National Identity," *World Policy Journal* 11 (Winter 1994), 96.

[31] This description draws on Peter Katzenstein's conceptualization of Japan as a Hobbesian state. It is also related to Duus's reference to Japan as the "reluctant giant" and to Takashi Inoguchi's application of David Lake's term "supporter" to describe Japan's position in the international system. See Katzenstein (fn. 30); Duus (fn. 30), 255; Inoguchi (fn. 30), 65. Karel van Wolferen, in a chapter title, refers to Japan as being "in the world but not of it." Van Wolferen, *The Enigma of Japanese Power* (New York: Alfred A. Knopf, 1989), chap. 16.

[32] Katzenstein points out that this external pressure, or *gaiatsu*, has become institutionalized such that domestic actors may exploit foreign pressure to sell unpopular policies at home. See Katzenstein (fn. 30), 38.

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TABLE 2
RATIFICATION RATES AMONG OECD COUNTRIES[a]

Country	*# of Human Rights Conventions State Is Party to*	*# of Human Rights Conventions State Is Signatory to*
Australia	19	
Austria	19	
Belgium	20	1
Canada	17	
Czech Republic	18	
Denmark	19	1
Finland	21	
France	20	
Germany	20	
Greece	19	
Hungary	19	
Iceland	16	1
Ireland	16	4
Italy	21	
Japan	**13**	
South Korea	14	
Luxembourg	20	
Mexico	18	
Netherlands	20	
New Zealand	17	
Norway	21	
Poland	20	
Portugal	17	
Russia	21	
Spain	21	
Sweden	20	
Switzerland	15	1
Turkey	13	2
United Kingdom	17	2
United States	11	6

SOURCE: U.S. Government, Department of State, *Country Reports on Human Rights Practices for 1996* (Washington: U.S. Government Printing Office, 1997), 1501–1505.

[a]This table shows the number of major international human rights conventions tracked by the U.S. government that OECD states are party to or have signed as of 1996. These twenty-two conventions include both international human rights covenants. The U.S. tracks twenty-three conventions, but since one is a European convention I have left it out.

rights is significantly lower than that of almost all other OECD countries (see Table 2).[33]

[33] Two examples of the impact of international standards should be noted. First, Frank Upham argues that during the mid-1970s, under the impetus of the UN Declaration of the UN Decade for Women, the Japanese government committed itself to ending gender discrimination by 1985, and in

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Yet there is another side to Japan's international identity. While Japan has continued to view itself, and to be viewed, as one step removed from the Western developed states in international society, an ongoing theme in Japanese state identity since the Meiji period has been to avoid being alienated from these same states. Minimal adoption of the norms accepted by that peer group is often seen within Japan and also outside as necessary for the country to maintain its place in the international system. The tensions created by this inside/outside relationship with international society result today in a general approach to international norms that is not necessarily resistant to their content (although it is in the case of immigrant rights) but that also does not see them as integral to state identity.

These two identity factors, national and international, clarify the domestic context faced by pro-immigrant activists and help account for the fact that international norms had little impact in the early postwar period. But, as I discuss in the next section, since the late 1970s, and in particular since the mid-1990s, pro-immigrant activists empowered by international norms have been more successful. During this later period the Japanese government has been increasingly sensitive to the perceptions of other states, as questions about the integration and treatment of non-Japanese have been brought up in the same context as questions about internationalization—historically, a very important theme in Japan, as we have seen.

Most importantly for this study, the government's sensitivity to issues of internationalization has been usefully exploited by pro-immigrant actors. The debate over internationalization and the concern for international reputation have created an opening for the growing number of NGOs and other pro-immigrant actors to pressure the government. Since compliance with dominant norms is one sign of integration into international society, the Japanese government has been moved to take action on norms that it had previously ignored, and this has led directly to changes in policies toward immigrants.

1980 the government signed the Convention on the Elimination of All Forms of Discrimination against Women. Second, in 1957 Japan's workers' delegate appealed to the ILO for support in a conflict between the government and two unions. This began a long debate between the Japanese government, the unions, and the ILO over issues involving union membership. In 1965 the Diet ratified ILO convention 87 and changed its laws to comply with that convention. Ehud Harari argues that union leaders internationalized their demands because they believed that there was a good chance that government officials would respond to international pressure because the government was increasingly aware of the disparity between its laws and those of other industrialized countries and because it was increasingly sensitive to international criticism as it was trying to enhance its prestige abroad. Harari, *The Politics of Labor Legislation in Japan* (Berkeley: University of California Press, 1973), esp. 174; and Frank K. Upham, *Law and Social Change in Postwar Japan* (Cambridge: Harvard University Press, 1987), esp. 148–51.

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Korean-Japanese: From Denationalization To Limited Integration[34]

Legal/Constitutional Status

Most of the Koreans now living in Japan are immigrants or their descendants who migrated, or were forced to migrate, after Japan's 1910 annexation of Korea.[35] All Koreans became Japanese citizens in 1910, but a distinction based on lineage was maintained between ethnic Koreans and ethnic Japanese. Nonetheless, when male suffrage was passed in 1925, Korean men were given the vote.[36] In the early days of the postwar occupation the Supreme Commander for the Allied Powers (SCAP) did not rule on the legal status of Koreans in Japan. This was followed by a series of confused moves, first putting Koreans under the jurisdiction of the Japanese and then stating that Koreans would be able to make their own nationality decisions. In short, for the most part the decision of how to classify Koreans was left to the Japanese authorities.[37]

In May 1947 Japan enacted an Alien Registration Law, forcing Koreans to register and classifying them as aliens. This deprived them of their citizenship rights, required them to carry registration cards, and gave local governors the right to deport those sentenced for crimes. Nine days before the peace treaty went into effect, the government announced that since Korea was no longer part of Japanese territory, Koreans in Japan would lose their nationality.[38] Finally, in 1955 a law requiring the fingerprinting of all aliens over age fourteen was enacted.[39]

To make matters worse, there was little protection for noncitizens. After the war, the United States demanded that the new Japanese constitution include various human rights and equality provisions, includ-

[34] Research for this project is based on interviews conducted in early 1997, as well as on secondary sources. The section on Koreans necessarily relies more on secondary sources, backed up by interviews. The next section, based more on primary data, includes more detail about the role of international norms.

[35] There was very little migration during the first decade. Between 1920 and 1930 the Korean population in Japan increased tenfold, then threefold by 1940, and then doubled again by the end of the war. Forced migration began in 1939. See Changsoo Lee and George De Vos, *Koreans in Japan: Ethnic Conflict and Accommodation* (Berkeley: University of California Press, 1981), 35, 52. There were also Taiwanese immigrants, but because their numbers are quite small, I focus on Koreans here. However, the discussion and changes reviewed generally apply to both groups.

[36] Lee and De Vos (fn. 35), 51.

[37] Ibid., 77.

[38] Because citizenship is based on jus sanguinis, and until 1985 only on patrilineal consanguinity, children born to denationalized Korean-Japanese are not Japanese citizens either. Interestingly, the Nationality Law of 1950 was made even more restrictive than the 1899 law had been, denying automatic acquisition of citizenship for certain categories of people such as spouses of Japanese citizens. See Lee and De Vos (fn. 35), 152.

[39] International Commission of Jurists, "Japan's Denationalisation of the Korean Minority," *Review* 29 (December 1982), 29–30.

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ing protections for minorities. The SCAP draft constitution contained two articles guaranteeing rights to foreigners in Japan. Article 13 read: "All natural persons are equal before the law"; and article 16 stated: "Aliens shall be entitled to the equal protection of law."[40] The government changed "all natural persons" to "all of the people" (*subete no kokumin*) in article 13 and dropped article 16. From the perspective of Koreans, the problem is that *kokumin* is the semantic equivalent of the Japanese. After some debate in the government *kokumin* was adopted, and the rights of foreigners were essentially eliminated.[41] Between the 1950s and 1970s, then, Koreans were left with little protection, as the constitution was designed to allow the government to restrict the rights of noncitizens, which the Koreans had become.

Until the 1965 normalization treaty between the Republic of Korea and Japan, Koreans in Japan occupied an ambiguous status. In the preamble to the treaty the government recognized the long years of Korean residence in Japan, but the Koreans were nonetheless limited in their eligibility to become permanent residents. During the negotiations South Korea had insisted that permanent residence be granted to all future Korean residents in Japan, but the Japanese government refused to consider the proposal.[42] Since Japan did not recognize North Korea, those failing to acquire South Korean nationality were not eligible for permanent residence.[43]

Koreans and the Role of International Norms and Law

With little domestic recourse, international standards took greater potential importance in the struggle for rights. But prior to 1979 Japan had ratified only two international human rights agreements and did not tend to take international standards into account more generally in formulating domestic human rights policies. In 1973, on the twenty-fifth anniversary of the Universal Declaration on Human Rights (UDHR), seventeen NGOs launched an appeal to the government to take immediate action on ratification of international human rights conventions. They made further appeals in 1974, 1976, and 1977, each on International Human Rights Day.[44] NGOs like the Japanese Civil

[40] Koseki Shoichi, "Japanizing the Constitution," *Japan Quarterly* 35, no. 3 (1988), 235.

[41] Ibid., 234–40; and Paul Lansing and Tamra Domeyer, "Japan's Attempt at Internationalization and Its Lack of Sensitivity to Minority Issues," *California Western International Law Journal* 22, no. 1 (1991–92), 140.

[42] Lee and De Vos (fn. 35), 147.

[43] Ibid., 148.

[44] Saito Yasuhiko, "Japan and Human Rights Covenants," *Human Rights Law Journal* 2, no. 1–2 (1981), 88–90.

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Liberties Union lobbied vociferously for ratification of the International Covenant on Civil and Political Rights, and groups like the National Women's Committee of the UN, Amnesty International, the Tokyo Bar Association, and the Asian Human Rights Center attempted to embarrass the government by pointing up its poor ratification record in comparison with that of other states and by arguing that failure to ratify would "seriously damage the Japanese image as a peace-seeking nation that pledges to give first priority in her policy and diplomacy to the high ideals enshrined in the United Nations Charter."[45] During major debates over ratification in the Diet, Minister of Foreign Affairs Sunao Sonoda, in acknowledging the changing international environment in which the salience of human rights was increasing, stressed the importance for Japan of ratifying the covenants in order to pursue diplomacy on an equal basis with other states.[46]

Pressure to ratify should be placed in the larger historical context of internationalization. During the second half of the nineteenth century following the "opening" of Japan and throughout the Meiji period internationalization meant modernization and Westernization.[47] Herbert Passin argues that internationalization today can be seen on at least four levels: nationally in Japan's participation in international society; organizationally in the adjustment of Japanese organizations; culturally in the adaptation of Japanese culture to international interdependence; and individually at the level of popular culture.[48] He argues that internationalization involves "being in step with the world (*sekai nami*), where "the world" refers to the Western industrialized states.[49] The term internationalization (*kokusaika*) came into wide use in the 1970s and 1980s and refers to such diverse things as learning English, traveling abroad, keeping up technologically with other advanced industrial

[45] Quoted in Yasuhiko (fn. 44), 89–91. Yasuhiko was the chair for NGO meetings making these arguments to the government.

[46] Yasuhiko (fn. 44), 94.

[47] Gerrit Gong notes that the terms modernization, Westernization, and civilization were all used during the Meiji era. Gong, *The Standard of Civilization in International Society* (Oxford: Clarendon Press, 1984), 164.

[48] Herbert Passin, "Overview: The Internationalization of Japan—Some Reflections," in Hiroshi Mannari and Harumi Befu, eds., *The Challenge of Japan's Internationalization* (Hyogo, Japan: Kwansei Gakuin University, 1983), 20. On internationalization, see also Glenn D. Hook and Michael A. Weiner, eds., *The Internationalization of Japan* (London: Routledge, 1992); and Mannari and Befu.

[49] Passin (fn. 48), 21. See also Sadako Ogata, "Interdependence and Internationalization," in Hook and Weiner (fn. 48), 64. It should be noted though that internationalization does not refer only to Westernization. There have historically been strong counterarguments in Japan for Asianization, and today Japan is trying to become more integrated into the Asian region. I am grateful to Saori Katada for stressing this point.

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states, and participating fully in international institutions.[50] While Japan has a long history of questioning its role in the world and specifically vis-à-vis the major powers and the West, this debate was reignited in the late 1970s and early 1980s, once Japan's role as a major economic power became clear. Hook and Weiner identify Prime Minister Nakasone's 1980 pledge to transform Japan into an international state as a seminal moment.[51] Whereas historical debates about internationalization involved catching up, contemporary debates are concerned with the idea that economic power brings with it new responsibilities that extend beyond the purely economic realm.[52]

The Japanese government's diverse policies aimed at meeting the demands of internationalization include developing closer links with European states and regional institutions[53] and, more recently, becoming increasingly involved in aid to Eastern Europe. Ezra Vogel points out that internationally minded Japanese have begun to envision their country taking a leadership role by assisting developing countries and championing their causes at international meetings, an idea reflected within the MOFA.[54] The government has also increased its role in Asia. One of the clearest shifts in Japan's international involvement and one with direct bearing on issues of immigrants is its participation in the UN human rights machinery and in the UN more generally.[55] Yasuhiro Ueki argues that Japan's attitude toward the UN has been ambivalent and pragmatic but that economic success is undermining the tenability of this position and creating expectations in and out of Japan that it will assume more global responsibility.[56]

Under this intense pressure to internationalize, the government in 1979 ratified both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (ICCPR and ICESCR), in 1982 the Refugee Convention, in

[50] Weiner (fn. 24), 9. Weiner argues that internationalization did not mean the incorporation of foreigners into Japanese society. While this was clearly not the intent, I argue that the idea of a closed, ethnically homogeneous society has been called into question by the idea of internationalization and that the two issues are now intimately linked in domestic debates.

[51] Glenn D. Hook and Michael A. Weiner, "Introduction," in Hook and Weiner (fn. 48), 1.

[52] Ogata (fn. 49), 64.

[53] Dennis T. Yasutomo, "The Politicization of Japan's Post–Cold War Multilateral Diplomacy," in Gerald L. Curtis, ed., *Japan's Foreign Policy after the Cold War* (New York: M. E. Sharpe, 1993), 330.

[54] Ezra F. Vogel, "Pax Nipponica," *Foreign Affairs* 64 (Spring 1986), 756; and author interview with Haruka Okumura, Human Rights Division, Ministry of Foreign Affairs, Tokyo, February 10, 1997.

[55] While I will address only UN human rights issues here, Japan has also been actively seeking a seat on the UN Security Council and has been engaged in much debate over participation in international peacekeeping missions.

[56] Yasuhiro Ueki, "Japan's UN Diplomacy: Sources of Passivism and Activism," in Curtis (fn. 53), 347.

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1985 the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and finally, in 1995 the Convention on the Elimination of Racial Discrimination (CERD).[57] In addition, in 1982 Japan joined the UN Human Rights Commission, and in 1984 the first Japanese representative to the Subcommission on Minorities was sent to the UN and a Human Rights Refugee division was created within the MOFA.[58]

Japanese lawyers, activists, and government officials have attributed the various improvements in policy toward Korean-Japanese (as well as toward Burakumin and Ainu) in large part to ratification of these agreements. Thus, when the Diet was considering ratification, the government acknowledged that such ratification would require revisions in the Japanese laws concerning the treatment of Koreans. Additional international pressure came from communications about human rights violations filed with the UN under ECOSOC resolution 1503, first in 1979 by a group in Japan and later in 1980 by the International Human Rights Law Group in Washington. The UN Subcommission on the Prevention of Discrimination referred the situation to the Commission on Human Rights, making Japan one of the few developed countries to be examined under this procedure.[59]

In the wake of ratification of these international covenants, there have been improvements or intensified action regarding naturalization, the economic and social rights of Koreans, and fingerprinting. First, some Koreans have started claiming in court that they retain Japanese nationality and that the move to deny them their nationality was a violation of the UDHR, which provides that no one may arbitrarily be deprived of her/his nationality. The court has not yet accepted this argument. But interestingly, the courts have stated that the reason is

[57] CERD is one of the most widely ratified human rights conventions in the world. Japan ratified it only after the U.S. did, something not lost on human rights observers in Japan. Author interview at the International Movement against All Forms of Discrimination and Racism (IMADR), Tokyo, February 11, 1997.

[58] Another way that Japan has enhanced participation is to increase its profile with officials in high positions like Sadako Ogata, head of the United Nations High Commission for Refugees, Yasushi Akashi, head of the UN Transitional Authority in Cambodia, and Hiroshi Nakajima, head of the World Health Organization.

[59] The best sources documenting the arguments made in courts on behalf of Koreans citing international agreements are Yuji Iwasawa. "Legal Treatment of Koreans in Japan: The Impact of International Human Rights Law on Japanese Law," *Human Rights Quarterly* 8, no. 2 (1986); and idem, "The Impact of International Law on Japanese Law: Revolution or Accommodation" (SJD diss., University of Virginia, 1996), 128. Iwasawa is widely recognized as the leading expert in this area. Much information found in Iwasawa's work was confirmed in interviews with other lawyers in Japan and is reiterated in other sources. See, for example, George Hicks, *Japan's Hidden Apartheid: The Korean Minority and the Japanese* (Aldershot: Ashgate, 1997); and Yung-Hwan Jo, "Japan," in Jay A. Sigler, ed., *International Handbook on Race and Racism* (New York: Greenwood Press, 1987).

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not that domestic law takes precedence over international standards but that the right to not be deprived of nationality is not yet established as customary international law.[60]

Naturalization is technically not overly difficult in Japan (although it has historically been very discretionary), but in the past most Korean-Japanese have not tried to naturalize because of the government policy requiring that applicants assimilate into Japanese society and "recommending" that Koreans take Japanese names.[61] This recommendation, in reality more of a requirement, is clearly not in the spirit of article 27 of the ICCPR, and in 1982 when a former Vietnamese citizen wanted to restore his Vietnamese name, the Kobe family court allowed it, arguing that "in view of the present reality that the society increasingly has become mobile and internationalized . . . this Court believes that the selection of one's name . . . should be allowed."[62] In 1985 the law was changed so that Japanese nationals married to foreigners could take the foreign name. This was a profound change in the sense that being Japanese is no longer absolutely equated with having a Japanese name.[63] In addition, in 1985 Japan ratified the CEDAW and as a result revised its nationality law so that not only children born to Japanese fathers but also those born to Japanese mothers are now considered Japanese nationals.

The constitution, despite the absence of specific rights for Koreans, has been important, although the interpretation of the constitution has changed over time. Iwasawa points out that there have been three views with regard to how the human rights provisions in the constitution should be applied to aliens: (1) that these provisions are applicable only to Japanese nationals; (2) that those provisions referring to *kokumin* are applicable only to Japanese nationals; and (3) that except for those rights that by their nature must be limited to nationals, human rights provisions in principle apply to aliens. Iwasawa argues that the third view is now the predominant one.[64] For example, article 25 of the Japanese constitution provides that "all *kokumin* shall have the right to maintain the standards of wholesome and cultured living." The government had traditionally interpreted this as guaranteeing social rights only to nationals, a position that had been accepted by constitutional scholars. Such a policy became untenable when Japan acceded to the

[60] Iwasawa (fn. 59, 1996), 146, fn. 68.
[61] Annual naturalization rates are extremely low, less than 1 percent of the Korean population.
[62] Quoted in Iwasawa (fn. 59, 1996), 130.
[63] Ibid., 129.
[64] Ibid., 116.

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ICESCR, which guarantees social rights to everyone, including the right to social security and social assistance.[65]

Before 1982 Koreans were excluded from the national pension plan, but in 1982, in connection with Japan's ratification of the Refugee Convention, the nationality restrictions were eliminated.[66] Prior to this revision a Korean brought a lawsuit against the Social Insurance Agency to be paid an old-age pension because he had been persuaded to join even though it was known that he was Korean. The plaintiff argued that the refusal to pay him went against both the constitution and article 9 of the ICESCR. A district court rejected this by arguing that article 9 was not self-executing, but the High Court reversed the decision in 1983 and referred to human rights treaties in its interpretation. The government now recognizes that the term "everyone" in article 25 refers to aliens as well as nationals.[67]

Fingerprinting of aliens is one of the most criticized aspects of the Japanese government's treatment of foreigners. Since 1980 many resident aliens have refused to be fingerprinted, arguing that the practice violates their human rights as stated in the constitution, as well as the ICCPR's clauses on degrading treatment, discrimination, and due process. The Tokyo District Court has in principle acknowledged arguments about the ICCPR, but has argued that fingerprinting did not violate the constitution because there was sufficient cause for the practice and because it was not clear what was meant by "degrading treatment" in the covenant.[68] Nonetheless, in 1982 the Alien Registration Law was revised, raising the age limit for fingerprinting to sixteen and increasing the interval between fingerprintings (but at the same time increasing the fine for noncompliance). In 1985 the law was changed again when, in the face of international and domestic protests, the ink used was changed to colorless ink. Finally, after countless adjustments in the face of international, Korean, and domestic protest, fingerprinting was eliminated for permanent residents in 1993, doing away at last with one of the most despised immigration control procedures practiced by the Japanese government.[69]

[65] Hicks and Jo both also cite the importance of the Refugee Convention in making Koreans eligible for social security by removing the nationality requirements from the law. Hicks (fn. 59), 56; and Jo (fn. 59), 146.

[66] Hicks (fn. 59), 57; and Jo (fn. 59), 136.

[67] Certain protections such as livelihood protection apply to Koreans, but not to short-term migrants or illegal aliens. See Iwasawa (fn. 59, 1996), 156.

[68] Han Chong-sok was the first to refuse to be fingerprinted and to go to court over the issue. On his case, see Hicks (fn. 59), 96.

[69] Iwasawa (fn. 59, 1996), 143–44.

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Accounting for improvements in policies toward Koreans without reference to the context of Japan's international identity and the role of norms is difficult because nothing specific to the Korean situation (in terms of numbers, for example) changed at the time and very little changed by way of pressure on the government that was unrelated to change in pressure for ratification. While the Korea-Japan agreement of 1965 did normalize the permanent residence status of those Koreans claiming allegiance to South Korea, the changes noted here do not seem to have occurred as a direct result of this agreement (and most occurred much later). Finally, this was not a case of simply applying preexisting domestic laws, but rather was one of reinterpreting the application of those laws to Korean-Japanese.

But norms do not diffuse automatically to states. First, most of the international norms invoked by pro-immigrant activists had existed for a number of years prior to their having an impact in Japan (for example the international covenants were adopted in 1966). Furthermore, the changes in immigrant rights that took place internationally and across Europe occurred during the early 1970s, a decade before most of the changes occurred in Japan. We therefore need to account for why international norms had an impact when they did. Rather than happening by some automatic diffusion, ratification was fought for by activists, and only after that were there substantial gains for Korean rights. Japan's low ratification rate is one indication that norms do not automatically proliferate to governments. Had the Japanese government not been pushed to ratify, it is reasonable to assume that it would not have done so and that the norms embedded in these international documents would not have worked their way into the courts.

Second, while Koreans had made some gains prior to the adoption of these international instruments, the advances were minimal. Korean groups faced extreme resistance not only because of racism but because one of the major Korean groups pushing for change was affiliated with North Korea and the Japanese government and public were worried about communist subversion.[70] But during the late 1970s and early 1980s two causes began to converge: the efforts of human rights groups to achieve ratification and the efforts of Korean rights groups to improve their situation. This empowered new activists, in this case pri-

[70] For example, the Choren, a Korean organization affiliated with North Korea, was able to get an amendment to the ordinance on the Acquisition of Property for Foreign Nationals that allowed Koreans who had been Japanese nationals as of September 2, 1945, and had since resided in Japan continuously, to not be included as foreign nationals under the ordinance. The Choren was disbanded by the government before the Korean War but was replaced by the Soren, or Chongryun, which worked to try to block Diet bills that would adversely affect Koreans. See Hicks (fn. 59), 30–34.

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marily lawyers and some government actors (but later NGOs), to become involved first with Korean rights and subsequently with immigrant rights. Because ratification of international agreements did not occur directly out of concern for Korean rights, it still took a series of court cases for them to affect policy.

The government became more vulnerable to arguments for change when the debate began over what the consequences of economic prosperity were for Japan's international responsibilities and participation. As Repeta argues, with the adoption of the human rights covenants (and, I would argue, of other international instruments), human rights activists have "gained a tool of coherent legal structure sanctioned by the UN and many nations viewed by Japan as the most advanced." The usefulness of this tool, viewed in the context of concern over internationalization and reputation, should not be underestimated.

Post–World War II Immigration and Japan's Role in the World

Internationalization and Migrant Workers

Foreign workers in Japan, legal and illegal, number between half a million and seven hundred thousand.[71] In comparison with other major industrialized states, Japan got a late start in the importation of labor. Unlike European states that imported labor during the 1960s, Japan worked to reduce the need for migrants through technological development.[72] Japan's overall approach to migrant workers has thus been one of avoiding them when possible and maintaining a policy of nonintegration when necessary, in order to avoid compromising the ideal of the homogeneous nation. However, this policy has recently been challenged in a number of ways.

The first stage of postwar immigration to Japan lasted from the late 1970s until about 1986 and was characterized by the migration of large numbers of female entertainers from Thailand, the Philippines, South Korea, and Taiwan. Until 1985 most of the undocumented migrants apprehended were female, but because migrant workers are typically

[71] Wayne A. Cornelius, "Japan: The Illusion of Immigration Control," in Wayne A. Cornelius, Philip L. Martin, and James F. Hollifield, eds., *Controlling Immigration: A Global Perspective* (Stanford: Stanford University Press, 1994), 382; and Yasushi Iguchi, "Japan" (Paper presented at the Conference on International Migration and Labor Markets in Asia, Tokyo, January 30–31, 1997), 25. This number does not include permanent legal residents such as Koreans. The estimate has such a wide range because it refers to both official and unofficial figures. Illegal workers are primarily those overstaying visas. It is estimated that in May 1997 there were 285,000 illegal workers in Japan. "Japan: Chinese and Integration," *Migrant News* 4, no. 5 (1997).

[72] Sekine (fn. 18), 52.

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seen as male laborers this wave was not recognized as a migrant worker phenomenon.[73] The second stage, which began in the second half of the 1980s, was characterized by a shift toward male undocumented migrant workers from South and Southeast Asia, China, South Korea, and Iran, and an increase in the total number of workers entering Japan. The increase was due to a number of factors including the appreciation of the yen and demand generated by low birth rates and the depletion of rural labor reserves in Japan.

The legal instrument for controlling immigration to Japan is the Immigration Control and Refugee Act (ICRA), written in 1956 and modeled on U.S. statutes. It was amended in 1981 in response to international pressure to admit six thousand Indochinese refugees. When immigration to Japan increased during the 1980s and became a major media topic, the Ministry of Justice (MOJ) proposed a revision of the ICRA, defining the issue as a challenge to the continued control of foreigners and the need for social order. Yoko Sellek argues that the resulting 1990 revision marked the onset of the third stage of immigration. The changes broaden the scope of legal activities for foreigners in specific skilled and professional categories, which the government held up as evidence of its willingness to internationalize,[74] while simultaneously imposing severe penalties on employers using illegal labor. Thus, a number of side doors into Japan were opened, even as the prohibition on unskilled labor was maintained.

First, new visa categories were created to allow Latin American Japanese (*Nikkeijin*) to live and work in Japan for three years (renewable indefinitely) with the justification that this would facilitate reunification of Japanese families.[75] As a result, the number of visas issued in São Paulo between 1988 and 1991 jumped from 8,602 to 61,500.[76] Sellek points out that the decision to accept nearly 200,000 *Nikkeijin* (who often have little or no Japanese language ability and have closer cultural connections with Latin America than with Japan) while excluding other migrant workers has reinforced assumptions of racial homogeneity.[77] It is clearly for this reason that the government decided

[73] Sellek (fn. 23), 182.

[74] Haruo Shimada, *Japan's "Guest Workers,"* trans. Roger Northridge (Tokyo: University of Tokyo Press, 1994), 62; and Katherine Tegtmeyer Pak, "Immigration Politics in Japan: Differences in Issue Articulation across Levels of Government and Society" (Paper presented at the annual meeting of the American Political Science Association, Chicago 1995), 14. As Pak points out, this does not address the fact that skilled professionals are generally equated with whites.

[75] Pak (fn. 74), 14.

[76] Sellek (fn. 23), 187–88.

[77] Ibid., 189.

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that this labor force is preferable to unskilled workers from other parts of Asia.

The second side door is open to trainees. In 1991 the Japanese International Training Cooperation Organization (JITCO) was established as an umbrella organization for individual training programs run by local groups and businesses. During the same year a subcommission on Japan's role in the world recommended the establishment of a skills training program as a means of letting in more labor; and the government began a major expansion of these programs in 1993, during the longest and most severe recession in postwar Japan.[78] The government officially justifies this program as a form of development assistance to poorer states and as a means of skill and technology transfer. Nonetheless, it is largely seen as a means of hiring foreign workers who will work in the *kitamai* (dirty), *kiken* (dangerous), *kitsui* (difficult) jobs that Japanese workers often will not accept. Because these immigrants are trainees, not employees, they do not receive regular wages, health insurance, or other fringe benefits but are compensated with a stipend and housing provided by the employer.[79] Finally, student visas open a third side door by allowing students to work twenty hours per week.

The debate over immigrants has largely taken place along the lines of whether or not to internationalize and within the context of increased international pressure on Japan to do so. In general, supporters of immigrant rights and more extensive migrant worker programs make the following arguments:

—As one of the most advanced industrialized countries, Japan has a responsibility to accept immigrants, especially from developing countries.

—Japan should become more internationalized, and accepting immigrants and refugees will demonstrate its commitment to internationalization.

—Japan must shed its image as an ethnocentric society.[80]

—Japan has a low birth rate and therefore needs more workers.

Opponents tend to argue as follows:

—The economic benefits of migrant worker programs in Europe have been outweighed by the enormous social costs, and this should serve as an example for Japan.

—Diversity is a cause of social disintegration.

—Technological innovation can continue to offset demand for labor.

[78] Cornelius (fn. 71), 398.

[79] Ibid., 399. Shimada argues that changes to the training programs have been very significant, although not in the numbers. He argues that the programs are very future looking and that no other country has them. Author interview with Haruo Shimada, Keio University, Tokyo, February 12, 1997.

[80] Sekine (fn. 18), 60.

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—Japan should increase aid to developed states and should not import labor, which creates a dual labor market.[81]

—Japan is overpopulated and migrant workers might become permanent.

Interestingly, the two sides of the debate use the terms *sakoku* (keep them out at all costs) and *kaikoku* (open the doors, at least to some degree)—both taken from the mid-nineteenth-century debates over whether Japan should remain in feudal isolation or open its borders in order to catch up with the West.[82] The government ministries most involved with internationalization tend to lean toward the pro-immigrant position. In the debates leading up to the 1990 change MOFA officials were the most likely to make such arguments. The MOJ took the hardest anti-immigration line, and the MOL fell somewhere in between, trying to balance the MOJ approach with the reality that businesses needed workers. The unions have not been very active on this issue but tend to push for tight control.[83] The views of big business range between accepting a small number of foreign workers in the sectors that need them most, but with the proviso that they will return home, and arguing that Japan should not admit nonskilled workers at all.[84]

Since 1990, as the debate has shifted from an almost exclusive focus on immigration flows to a focus on immigrant integration and provision of services, the role of the government and other more powerful actors in the debate has decreased and a number of additional actors, including NGOs, lawyers, and local governments, have become more vocal. In part due to the recession, the MOFA argues that there is already sufficient flexibility in the 1990 system.[85] Industry people who were supporters of the introduction of some manual laborers during the late 1980s have largely lost interest.[86] In interviews with me people tended

[81] Ibid. These sentiments are found throughout the literature and were confirmed in my interviews.

[82] Takashi Oka, *Prying Open the Door: Foreign Workers in Japan* (Washington, D.C.: Carnegie Endowment for International Peace, 1994), 4.

[83] For a detailed description of union positions, see Hiroshi Komai, *Migrant Workers in Japan* (London: Kegan Paul International, 1995), 215–16. According to Komai, Rengo, the umbrella organization for trade unions, is against accepting unskilled workers, although their think tank in 1990 showed some tendency toward openness as an alternative to increased numbers of illegal workers. Yasushi Iguchi, of Kwansei Gakuin University, says that Rengo intends to make immigrant rights a new issue; author interview, February 14, 1997. While it appears that, as in other states, unions may shift toward equal rights for migrants, they are not yet a major player in Japanese debates. The National Federation of Construction Workers' Unions is strongly opposed to the acceptance of foreign labor, as are the shipbuilding and engineering unions. The National Confederation of Trade Unions has favored acceptance of foreign workers with restrictions on numbers as has the National Machinery and Metal Workers' Union.

[84] Sekine (fn. 18), 66; and Komai (fn. 83), 212–14.

[85] Author interview with Mr. Nikai, Ministry of Foreign Affairs, Tokyo, February 7, 1997.

[86] Sellek (fn. 23, 1997), 186.

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to argue that since the 1990 change there has not been a great deal of direct pressure from powerful actors to work on issues of immigrant integration. In short, since the early 1990s it has been "weaker" actors who have effected change.

In the early 1990s there was a significant increase in the number of NGOs addressing a variety of issues and in the amount of attention they received. *Look Japan*, a magazine published by the Japanese MOFA, argues that the Gulf War forced the Japanese government to focus on a number of issues including the need to help people in ways that go beyond what the Overseas Development Office does. It is likely that this has promoted greater acceptance of NGOs. As the number of NGOs has increased, so has the attention that they get. Press coverage in *Yomiuri Shimbun* went from 13 articles on NGOs in 1987 to 55 in 1992, while coverage of volunteers increased four times over the same period, to 453 stories in 1991.[87] There are now over thirty NGOs in Japan working specifically on migrant worker issues. About half of them have been created since 1990; most of the rest date back to the mid-late 1980s.

The role of lawyers using international law has also increased, and before discussing specific policy changes a few words are in order about aspects of international law that are especially relevant to this time period in Japan. Treaties have the force of law in Japan and are generally regarded as taking precedence over statute but as being subordinate to the constitution.[88] Therefore, as discussed earlier, ratification of treaties requires—and indeed has resulted in—extensive change in domestic law. Japanese courts are generally quite conservative and are reluctant to deal with arguments based on international law, in part because they tend to be relatively unfamiliar with it and in part because of the relationship between the universal nature of international law and the view within Japan that the country is unique in the international system.[89] While international law is rarely successful in courts *directly* (that is, courts do not tend to find that a domestic practice is illegal based on international law), international law, international norms, and the acts of international organizations (IOs) have been an effective route to

[87] Kunio Nishimura, "Helping Hands," *Look Japan* (April 1992), 4.

[88] See Constitution, Article 98 (2). Yuji Iwasawa, "The Domestic Impact of Acts of International Organizations Relating to Human Rights" (Paper presented at the Second Trilateral Symposium, Atlanta, March 24–26, 1996), 2.

[89] Author interviews with Yuji Iwasawa, University of Tokyo, Tokyo, February 17, 1997, and Yasushi Higashizawa, attorney, Tokyo, February 18, 1997. On universalism versus uniqueness, see Katzenstein (fn. 30), 177; and Peter J. Katzenstein and Yutaka Tsujinaka, *Defending the Japanese State: Structures, Norms and the Political Responses to Terrorism and Violent Social Protest in the 1970s and 1980s* (Ithaca, N.Y.: East Asia Program, Cornell University), 1991.

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change in many human rights–related issues.[90] These international references have given legitimacy to movements to change domestic laws and have been used extensively in an indirect way to interpret domestic law and to persuade the government to change. Iwasawa points out that not only international law but also acts of IOs relating to human rights (such as declarations) have had a significant impact on domestic law. While acts of IOs are rejected by the courts as nonbinding, they have had an effect in interpreting human rights treaties and domestic law.[91]

In one prominent case the Osaka High Court ordered the Kyoto prefectural government to pay compensation to a plaintiff who refused to be fingerprinted and was then arrested and forcibly fingerprinted. The lawyers cited the Vienna convention on the interpretation of treaties, decisions of the European courts, and comments of the Human Rights Commission as an interpretation of the ICCPR. While the court did not directly refer to the covenants in recognizing the illegality of the act, it did make reference to the above international sources in calculating compensation and in arguing that the need to require fingerprinting had passed and was possibly contrary to article 7 (degrading treatment) and 26 (nondiscrimination) of the ICCPR.[92]

Because of successes in the indirect use of international law, there is now a growing interest in international law among Japanese lawyers, a move that is most striking in the human rights arena.[93] The Japanese Federation of Bar Associations (JFBA) began extensive research into international law and norms about 1984–85 and has now produced a practical manual for lawyers on the ICCPR and other conventions that interprets them and discusses cases from around the world that have made use of them (including cases from other countries and UN Human Rights Committee decisions).[94] In addition, the JFBA has organized symposia on human rights at its regular meetings; six hundred

[90] Information on the role of law in Japan and on current trends was gathered from author interviews with Yuichi Kaido, attorney, Tokyo, February 15, 1997; Higashizawa, Tokyo, February 18, 1997; Susumu Yamagami, director of Adjudication Division, Immigration Bureau, Ministry of Justice, Tokyo, February 16, 1997; Iwasawa, Tokyo, February 17, 1997; and IMADR, Tokyo, February 11, 1997. Information was also drawn from Iwasawa (fnn. 59, 88). In an interesting aside, Tadashi Hanami points out that law student interest in international law has increased dramatically over the last fifteen years. Author interview with Tadashi Hanami, Sophia University, Tokyo, February 14, 1997.

[91] See Iwasawa (fn. 88). Repeta, in a similar argument, points out that the most effective enforcement of the ICCPR is likely to be produced not through litigation but through pressure for reform exerted on government agencies and the legislature. See Lawrence Repeta, "The International Covenant on Civil and Political Rights and Human Rights Law in Japan," *Law in Japan* 20, no. 1 (1987), 4.

[92] Author interview with Higashizawa, Tokyo, February 18, 1997; and Iwasawa (fn. 88), 12.

[93] Author interview with Higashizawa, Tokyo, February 18, 1997.

[94] Japanese Federation of Bar Associations, *Utilizing International Human Rights Covenants in the Courtroom (Hotei ni ikaso kokusai jinken kinyuko)* (Japanese Federation of Bar Associations, 1996).

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lawyers attended their 1996 meeting.[95] Government ministries have also been consulting with international lawyers during the last few years.[96]

Despite the relative absence of powerful actors pushing for change, a number of significant changes have been made at the technical level of government procedure, the societal level, the judicial and legislative level, and finally, the local level. Procedures for entry are being streamlined and made easier for those who qualify. In addition, reentry possibilities are increasing, although mainly for business people. In response to increased international pressure, more foreign students, mostly Asian, are being allowed to enter, trainee time periods have also been increased, and forty-five new categories have been added.[97] At the societal level there are an increasing number of foreign-language newspapers and magazines,[98] marriage between foreigners and Japanese nationals is up sharply,[99] naturalization doubled between 1990 and 1995,[100] and, perhaps most importantly, the debate is now slowly moving toward issues of integration and rights, concepts rarely discussed in the early stages of immigration.[101]

There have also been significant changes as a result of court decisions. Article 900 of the civil code states that children born out of wedlock receive half of the inheritance of children born to married parents. In 1990 a child born out of wedlock brought suit arguing that this policy was unconstitutional and invoking the CEDAW, the UDHR, the ICCPR, the UN Convention on the Rights of the Child, and a 1972 Economic and Social Council resolution on the status of the unmarried mother. The Tokyo High Court dismissed the claim without reason in 1991. But in 1993, in what Iwasawa refers to as "an epoch making decision" in which "the Tokyo High Court took an initiative to change society with the support of international human rights law," another challenge was brought against article 900. This one invoked the above conventions, as well as an additional provision of the children's convention and a general comment of the Human Rights Committee, with the latter offered as the authoritative interpretation of the ICCPR. The

[95] Author interview with Higashizawa, Tokyo, February 18, 1997.

[96] Author interview with Kaido, Tokyo, February 15, 1997.

[97] *Migrant News* (fn. 71). The idea that foreign pressure is responsible for this was widely expressed in my interviews with government officials.

[98] There are now one hundred ethnic publications in fifteen different languages. "Japan's New Immigration Law," *Migrant News* 4, no. 6 (1997), 26.

[99] According the Ministry of Health and Welfare, over twenty thousand marriages between Japanese men and foreign women have taken place since 1995. "Japan's New Immigration Law" (fn. 98).

[100] Iguchi (fn. 71), 6.

[101] Author interviews with Iguchi, Tokyo, February 14, 1997; and Higashizawa, Tokyo, February 18, 1997.

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court, holding that the article was unconstitutional on the grounds of unreasonable discrimination, used international human rights law as an aid in interpreting the constitution.[102] In late 1996 the Hiroshima District Court granted citizenship to a child born out of wedlock to a Filipino woman and a Japanese man, following an MOJ announcement that divorced, separated, widowed, and single undocumented foreigners who are parents of children with one legal parent would be granted legal residency in Japan.[103]

Additional judicial and legislative changes have been made in the areas of social and economic rights. Because these changes occurred in the context of increased awareness of international standards and because there are no other obvious explanations for them, it is reasonable to assume that the changes were made because they were seen as necessary to internationalize and to comply with international norms, as in the other instances of change discussed above. It should be noted, however, that the changes cannot decisively be linked to international norms through direct reference to specific international covenants or to internationalization. Following are some of the changes. Whereas Japan used to require twenty-five years of affiliation with the national pension plan for eligibility, with foreign workers nevertheless required to pay the mandatory fees, in 1994 the law was amended to enable foreign workers to receive a lump-sum payment upon application within two months of departure from Japan. The situation in housing also shows some signs of improving: in June 1994 the Osaka district court laid down a critical decision ordering a landlord to pay damages to a Korean resident whom he had discriminated against on the basis of nationality.[104] Finally, in 1991 the Ministry of Health and Welfare (MOHW) ruled that foreigners with a visa status of one year or more could join the national health plan. This has since been further expanded, and allows overstayers and short-term migrants to join.[105]

[102] Iwasawa (fn. 88), 13.

[103] "Japan Copes with Illegal Foreigners," *Migrant News* 3, no. 12 (1996). Higashizawa discussed another case of a Filipino overstayer who had a child with a Japanese national. They planned to marry, but he died. The woman and child stayed in Japan but were not allowed to join the insurance plan because of an initial MOHW ruling that only foreigners legally resident for a year or more were eligible for the national health plan. In late 1995 the Tokyo District Court rejected the woman's claim saying that it was at the discretion of the government whether to include foreigners in the plan and that the court therefore could not overrule the government. Higashizawa argues that the attorneys on the case did not place a high enough priority on the ICCPR and ICESCR. Author interview with Higashizawa, Tokyo, February 18, 1997.

[104] Tadashi Hanami, "Japanese Policies on the Rights and Benefits Granted to Foreign Workers, Residents, Refugees and Illegals," in Myron Weiner and Tadashi Hanami, eds., *Temporary Workers or Future Citizens* (New York: New York University Press, 1998), 233.

[105] Author interview with Higashizawa, Tokyo, February 18, 1997.

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Perhaps the most significant changes have taken place at the local level. Pak, in an extensive study of the differences between national and local responses to foreigners in Japan, argues that local actors commonly invoke an ideal of internationalization that envisions a transformation of domestic social relations and reconciliation of Japan with Asia. She argues that the challenge to the status quo is coming from the local context because of local autonomy movements and long-standing patterns of delegating social policy within Japan. In addition, there has been a rise in the number of international sections in local governments. As a result, says Pak, "combinations of locally based NGOs and local governments are slowly but steadily constructing a policy of accommodation in response to the realities of Japan's *de facto* emergence as a destination of international migrant flows."[106] According to the Japanese press, many municipalities have begun to treat foreigners like other residents, without regard to matters of legality or illegality,[107] and Pak finds that position papers in Kawasaki and Hamamatsu are "laden with radical language which promises to protect the human rights of" foreign nationals.[108] This echoes the language used by activists, lawyers, and academics more generally in linking internationalization and rights. In addition, cities are providing language training, job-placement assistance, and classes in Japanese culture.

There is also a trend toward granting local voting rights to foreigners. According to one survey in 1994, more than one hundred local bodies, including nine prefectural assemblies, have adopted nonbinding resolutions urging voting rights for non-Japanese residents. In 1995 the Kawasaki city government, as an experimental measure, established a panel of non-Japanese residents similar to those in some European countries designed to give foreigners a voice in local affairs.[109] Finally, in November 1996 the Ministry of Home Affairs changed the nationality clause in the government hiring laws, allowing local governments to hire foreigners,[110] and beginning in April 1997 Kobe and Yokohama eliminated nationality clauses on exams for many government jobs.

Analysis

There has been no sea change in Japan's approach to immigrant integration; change has been incremental. And while there have been some

[106] Pak (fn. 74), 21.
[107] *Migrant News* (fn. 102).
[108] Pak (fn. 74), 22.
[109] Hanami (fn. 104), 234.
[110] Author interview with Iguchi, Tokyo, February 14, 1997. This occurred after a Kawasaki court in 1994 decided that employment of foreigners in local government was not a constitutional issue.

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chinks in the national ideology of a homogeneous and unique state, it remains largely intact. Citizenship policy, for example, is not open for debate. But integration and rights, previously disregarded, are now on the table, and in some quarters Japan's policy toward migrant workers is moving slowly from an exclusionary approach to one of coexistence. As witnessed by policy changes, legal revisions, and new laws, the government is beginning to realize that migrants who are in Japan have to be granted certain basic rights, regardless of whether they will eventually leave. International norms mobilized by pro-immigrant actors have been important in this transition. Lawyers, NGOs, and local governments have linked the issues of immigration and integration—issues about exclusivity and uniqueness in Japan—to Japan's role in the world and what type of image it wishes to convey internationally. While it is difficult in an article to convey the full flavor of how these issues have been linked, throughout my research I found that acceptance of at least some immigration and respect for the rights of those immigrants in Japan is seen as one of the key symbols of internationalization.[111] Shimada, a leading economist and a specialist on immigration to Japan, argues that the foreign worker issue is

> likely to call into question Japan's position in the world community. It is undeniable that Japan has forged ahead of the world, and even of the other industrialized countries, in terms of economic and income opportunities, and yet it still protects its homogeneity on the human level, and plainly gives the outside world the impression that it is a closed society.[112]

He goes so far as to say that Japan's response to the foreign worker problem "is a litmus test of the kind of nation it seeks to become."[113]

Why has internationalization been such a catalyst? A priori we should expect that the Japanese government, because of its ideas about the merits of a homogeneous state, as well as its often hesitant role in the international system, would not be particularly receptive to international norms. But even as Japan has seen itself as somewhat removed from the core of international society and its norms, an important part of the history of the Japanese state has been extreme sensitivity to what peers in other states think about Japan. This historical context shapes how people in Japan have responded to calls to internationalize, not only economically, but also socially and culturally. Shimada argues that

[111] Hook and Weiner (fn. 51), 2.

[112] Shimada (fn. 74), 202.

[113] Ibid., viii. Sellek and Weiner also refer to this as a "litmus test." Yoko Sellek and Michael A. Weiner, "Migrant Workers: The Japanese Case in International Perspective," in Hook and Weiner (fn. 48), 205.

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as debates over immigrants began, the Japanese were thinking about single-country passivism in a new international context, and looking out in the world "they thought they weren't liked." Internationalists saw this as an opportunity.[114] Tetsuo Yamazaki, director general of the Tokyo Regional Immigration Bureau, did a study on immigrants and found that compared with European states Japan was too strict and needed more foreigners in the context of internationalization and the concomitant interest in diversity, a comparison that is frequently cited as reason for Japan to change.[115]

Similarly Hanami points to the importance of the link between current debates in Japan and recent international criticism, especially by the U.S. media, of alleged Japanese racism.[116] This criticism was largely provoked by Foreign Minister Watanabe's and Prime Minister Nakasone's comments implying that the high crime rate and low efficiency of American society was caused by the presence of racial minorities, and by publicity surrounding publication of a book entitled, *Little Black Sambo,* considered racist by the American media.[117] Hanami argues that proposals and opinions regarding foreign workers reflect Japan's inferiority complex in relation to the West, and that many opinions regarding foreign workers are based on the idea that current policies are closed, uninternational, and discriminatory.[118]

Debates over internationalization have changed the context in which immigrants are discussed (from a perspective of domestic isolation to a more global and regional context) and they have empowered new actors to contest and challenge state identity and policy with an arsenal of international norms that would not be useful if the government were not already highly sensitive to international criticism and if immigrant issues were seen as purely domestic matters.

This changing context has been especially important since 1990, when most powerful actors in the debate lost interest following the changes of that year. Pak argues that "the remarkable aspect of [efforts for change] is that there is no broad constituency demanding or sup-

[114] Author interview with Shimada, Tokyo, February 17, 1997. Many interviewees also spoke of the impact of international-minded young people.

[115] Author interview, with Tesuo Yamazaki, Tokyo Immigration Bureau, Tokyo, February 12, 1997. The Tokyo Immigration Bureau is part of the Ministry of Justice.

[116] Tadashi Hanami, "Discrimination in the U.S. and Japan: From a Legal Viewpoint," *Journal of American and Canadian Studies* 8 (Autumn 1991).

[117] Ibid., 2–4. Patrick Ireland has pointed out to me that, in addition to these accusations of racism, the Japanese are being "Goldhagened" by the recent focus on their wartime activities and treatment of "comfort women." There is little doubt that this type of criticism makes people in the government increasingly sensitive.

[118] Hanami (fn. 116), 5.

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porting them."[119] Asian sending states, a likely advocate for their emigrants, are largely absent from the discussion. The government of the Philippines has set up a shelter in the Setagaya district of Tokyo for Filipinos facing forced prostitution and exploitative work conditions, and the Thai embassy keeps detailed statistics on the problems faced by Thai nationals in Japan, but neither government has directly appealed to the Japanese government, presumably because they need aid and they need to export labor.[120]

As noted earlier, powerful ministries pushing for change, like the MOFA, appear satisfied with the 1990 change and now downplay the issue. A few employer groups favor allowing migrant workers into Japan but, as in other countries, they do not push for rights and integration. Rather, they tend to support strong control and surveillance.[121] Because the economy is sluggish, even this sort of pressure to let migrant workers in has let up lately.[122] It should also be noted that the recent context is a particularly surprising one for fostering progressive change in immigrant rights, however minimal, since unemployment in late 1995 was at its highest level since 1953.[123] Yet traditionally weaker actors, emboldened by international norms and driven to internationalize, have made progress despite circumstances that would predict otherwise.

Conclusion

International norms matter in this case but not in some mysterious or automatic way. Rather, domestic actors use international norms to bolster arguments for which they have found few domestic resources and those norms in turn work under particular domestic circumstances. It was much more difficult for pro-immigrant actors to make these arguments without the backing of international norms, partly because there have not been powerful domestic actors pushing for immigrant rights. Thus, business pushed for migrant workers at various times, but not for rights and not for integration. Japan does not have powerful ethnic lobbies as one might argue the U.S. has; this was not the client politics that Freeman finds in the U.S. case.[124] Furthermore, prior to its rein-

[119] Pak (fn. 74), 22.

[120] Selby (fn. 18), 362. There is pressure on Japan from other Asian states to open labor markets. But there is not a significant degree of corresponding pressure regarding the treatment of migrant workers once in Japan.

[121] Sekine (fn. 18), 68.

[122] Author interview with Yamagami, Tokyo, February 16, 1997.

[123] "Japan: Unemployment and Foreign Workers," *Migrant News* 3, no. 2 (1996).

[124] Freeman (fn. 7).

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terpretation, activists and lawyers could not rely on the constitution, since it was in part designed to exclude Koreans and foreigners.

This reinforces an important point: this is not about international *or* domestic politics. The constitution, for example, is important, but it had to be reinterpreted over time, and that reinterpretation took place with the aid of international norms. In short, liberalism and the rule of law, two alternative explanations offered in the literature, are alone insufficient. Japan's "liberalism" was designed for people of Japanese ethnicity and it was combined with the very powerful idea that homogeneity is necessary for success and that diversity as seen in countries like the U.S. is dangerous and unstable. Finally, the rule of law may be a norm, but for the most part the pertinent laws did not cover noncitizens.

International norms allowed activists to say to the government: you should change these policies because they are out of line with the standards of international society. But importantly, activists mobilizing these norms would not have been successful just anywhere at anytime. They would not, for example, have been successful where a government was hostile to international norms or simply did not much care what other states thought of its domestic politics. This is not the case in Japan. The Japanese government, since 1868, has been highly sensitive to international opinion and to the accusation that the country is not sufficiently internationalized. This concern has varied in intensity and in its specific concerns over time, and when it was heightened due to Japan's increased economic stature, pro-immigrant actors were able to link their cause to it. In looking at the impact of international norms there is a process to trace, but it is not present everywhere and only through examining domestic politics and not accepting correlation as causation can we find it.

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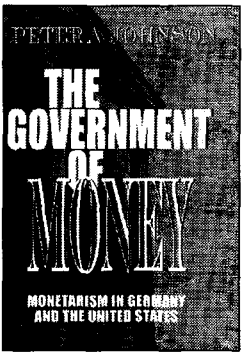

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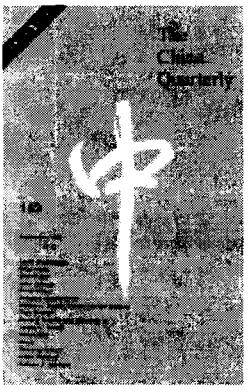

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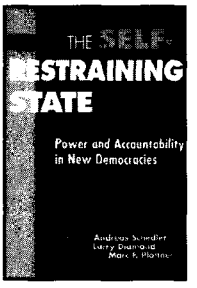

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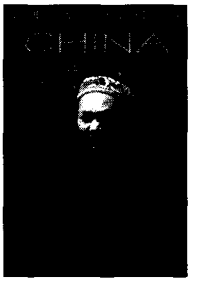

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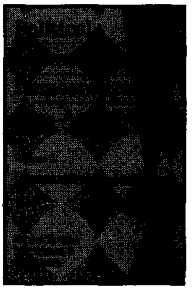

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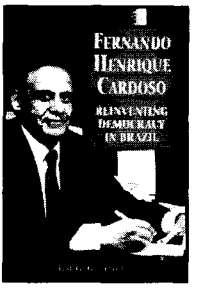

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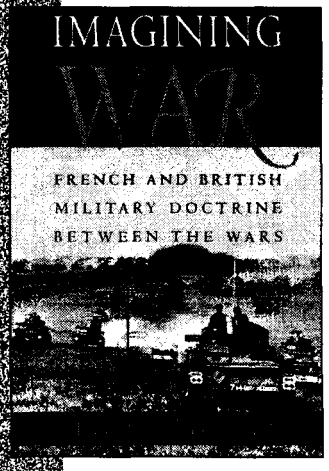

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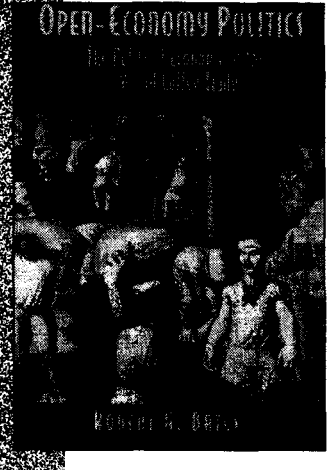

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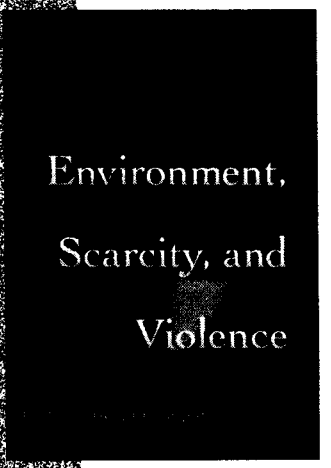

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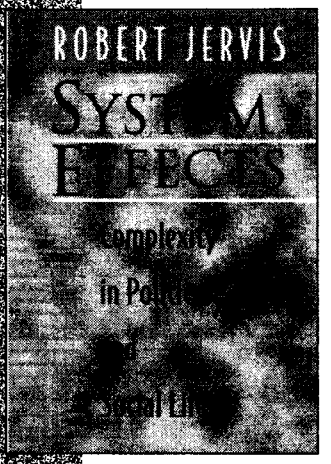

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